

OFFICIAL JOURNAL
OF THE
SENATE
OF THE
STATE OF LOUISIANA

TWENTY-NINTH DAY'S PROCEEDINGS

**Thirtieth Regular Session of the Legislature
Under the Adoption of the
Constitution of 1974**

Senate Chamber
State Capitol
Baton Rouge, Louisiana

Thursday, May 20, 2004

The Senate was called to order at 1:30 o'clock P.M., by Hon.
Donald E. Hines, President of the Senate.

ROLL CALL

The roll being called, the following members answered to their
names:

PRESENT

Mr. President	Dupre	Kostelka
Adley	Ellington	Lentini
Amedee	Fields	Malone
Bajoie	Fontenot	Marionneaux
Barham	Gautreaux, B	McPherson
Boasso	Gautreaux, N	Michot
Boissiere	Hainkel	Mount
Cain	Heitmeier	Nevers
Chaisson	Holden	Romero
Cheek	Hollis	Schedler
Cravins	Irons	Smith
Dardenne	Jackson	Theunissen
Duplessis	Jones	Ullo
Total—39		

ABSENT

Total—0

The President of the Senate announced there were 39 Senators
present and a quorum.

Prayer

The prayer was offered by Pastor Terry Workman, following
which the Senate joined in pledging allegiance to the flag of the United
States of America.

Reading of the Journal

On motion of Senator Bajoie, the reading of the Journal was
dispensed with and the Journal of yesterday was adopted.

Morning Hour

Messages from the Governor

The following messages from the Governor were received and
read as follows:

STATE OF LOUISIANA
Office of the Governor

May 20, 2004

To the Honorable President of the Senate:

Please be advised that the following individuals have been
commissioned as Notaries Public for the parishes indicated 04-19-04
through 05-16-04. In compliance with Article IV, Section 5(H)(3) of
the Louisiana Constitution of 1974, I hereby present them for your
review.

Appreciatively,
KATHLEEN BABINEAUX BLANCO
Governor

Acadia

Romona T. Credeur
576 N. Parkerson Ave.
Crowley, La 70526

Michele J. LeBlanc
576 N. Parkerson Ave.
Crowley, La 70526

Katherine M. Wilder
1242 Wilder Rd.
Crowley, La 70526

Ascension

Gaylan Dariel McLin
43098 Lighthouse Ln.
Prairieville, La 70769

Glenda M. Nickens
11440 N. Lake Sherwood, Ste. F
Baton Rouge, La 70816

Avoyelles

June D. Normand
117 East Ogden St.
Marksville, La 71351

Beauregard

Nancy J. Borel
160 Myrtle St.
Ragley, La 70657

Rhonda Cooley
5410 Hwy. 26
Deridder, La 70634

Linda D. Ellender
8727 Hwy. 171
Longville, La 70652

Bossier

Debbie G. Gibbs
108 Olive St., Dogwood South
Haughton, La 71037

M. Linda Harris
718 Humphrey Dr.
Haughton, La 71037

Sally Leasure
2001 Airline Dr., Ste. 106
Bossier City, La 71112

Billie Margaret Maynard
3416 Bistineau
Bossier City, La 71112

Stephen G. Moran
333 Texas St., Ste. 1425
Shreveport, La 71101

Wanda Susan Orr
2701 Village Ln.
Bossier City, La 71112

Shelly M. Purcell
P.O. Box 850
Benton, La 71006

Jerry Don Sherman
4705 McGee Rd.
Shreveport, La 71101

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May 20, 2004

29th DAY'S PROCEEDINGS

Holly Sturdivant
4600 Hwy. 80 East
Haughton, La 71037

Caddo

Theresa Barker
9474 Woodcrest Dr.
Shreveport, La 71118

Curtis A. Carrigan
2039 Shadywood Ln.
Shreveport, La 71105

Phillip Lloyd Gaydon
4220 Reily Ln., Apt. G-201
Shreveport, La 71105

Debbie B. Greer
3507 Colquitt Rd.
Shreveport, La 71118

Debbie Richardson Hayes
11376 Providence Rd.
Shreveport, La 71129

Jimmy Lam
4411 Greenwood Rd.
Shreveport, La 71109

Carla Messer
P.O. Box 1172
Blanchard, La 71009

Leandrea L. Milton
1817 David Rains
Shreveport, La 71107

Penny Penner
6900 Buncombe Rd., Lot 5
Shreveport, La 71129

Kimberly A. Ramsey
401 Edwards St., Ste. 820
Shreveport, La 71101

Jeananne R. Self
247 W. Kirkley Place
Baton Rouge, La 70815

Teresa J. Stewart
712 Milam, Ste. 201
Shreveport, La 71101

Jennifer M. Whitaker
7207 Legion Cir.
Shreveport, La 71108

Shelia T. Williams
1633 North Market St.
Shreveport, La 71107

Janet M. Toloso
P.O. Box 850
Benton, La 71006

Dana J. Bartlett
P.O. Box 1534
Shreveport, La 71165

Karin R. Collins
12619 Hwy. 538
Oil City, La 71061

Daniel Ray Gordon
5105 Hearne Ave.
Shreveport, La 71108

Amanda R. Ainsworth
8500 Jackson Sq. Apt. 4F
Shreveport, La 71115

Trent P. Austin
2924 Knight St., Ste. 424
Shreveport, La 71105

Alice Sample
318 E. 70th St.
Shreveport, La 71105

Calcasieu
Tina Wilson Brown
723 Broad St.
Lake Charles, La 70601

Claiborne
Rocky R. Pepper
2711 E. Texas St.
Bossier City, La 71111

Concordia
Yolanda E. McClure
300 Twin Lake Rd.
Jonesville, La 71343

Phyllis Landers Stewart
5 West Circle Dr.
Vidalia, La 71373

Desoto
Darlene Eberhardt
750 Southfield Rd.
Shreveport, La 71106

Sandy S. Etheredge
509 Milam
Shreveport, La 71101

Barbara Parker
608 Collinswood Dr.

Stonewall, La 71078

Hillis S. Parker
987 Speights Rd.
Keitchie, La 71046

Dana B. Smith
1754 Hall Rd.
Longansport, La 71049

Arlene Hurdle Taylor
687 Jessie Latin Rd.
Gloster, La 71030

East Baton Rouge
Andrew J. Bernard
1615 Perkins Rd.
Baton Rouge, La 70808

Richard L. Bourgeois, Jr.
777 Florida St., Ste. 208
Baton Rouge, La 70801

Kristy Zeringue Boxberger
11580 Perkins Rd. #129
Baton Rouge, La 70810

Yolanda J. Dixon
P.O. Box 94183
Baton Rouge, La 70802

Debbie Elmer
5907 Golden Pheasant Court
Baton Rouge, La 70817

Douglas K. Foster
123 Saint Ferdinand St.
Baton Rouge, La 70802

Christopher Hebert
P.O. Box 4007
Baton Rouge, La 70821

Philip Jason House
5640 Airalo
Baton Rouge, La 70820

Robin Richmond Klibert
11580 Perkins Rd. #274
Baton Rouge, La 70810

Catherine Minter Maraist
777 Florida St., Ste. 208
Baton Rouge, La 70801

Robert Duncan Reine
604 St. Ferdinand
Baton Rouge, La 70802

James D. Riddle
111 S. Range Ave.
Denham Springs, La 70726

Ryan M. Seidemann
11580 Perkins Rd. #258
Baton Rouge, La 70810

Jeananne Self
One American Place, 23rd FL.
Baton Rouge, La 70825

Amanda Noel Strickland
P.O. Box 3197
Baton Rouge, La 70821

Travis A. Taylor
2109 Perkins Rd.
Baton Rouge, La 70808

Randall S. Beard
P.O. Box 4302
Baton Rouge, La 70821

Evangeline

Claudia Bateman
P.O. Drawer 1019
Ville Platte, La 70586

Grant

Candie Faraldo
601 Fourth St.
Colfax, La 71417

Crissy P. Shirley
209 Conley Dr.
Pineville, La 71360

Janna K. Batson
P.O. Box 299
Bentley, La 71407

Iberia

Michael Chris Aguillard
804 Oswald St.
New Iberia, La 70563

Iberville

Caroline Wilbert Giedd
P.O. Box 512
Plaquemine, La 70765

Jefferson

Russ Adams
147 Jefferson Heights Ave.
Jefferson, La 70121

Alan D. Alario, II
701 N. Causeway Blvd.
Metairie, La 70001

John Calvin Box
3850 N. Causeway, Ste. 950
Metairie, La 70002

Riley John Busenlener
365 Canal St., Ste. 1700
New Orleans, La 70130

Erwin A. Caswell, Jr.
1923 Metairie Heights Ave.
Metairie, La 70001

Aimee C. Edwards
3350 Ridgelake Dr., Ste. 108
Metairie, La 70002

Monica Gant
3838 N. Causeway, 29th FL.
Metairie, La 70002

George E. Gilkers
512 Oaklawn Dr.

Metairie, La 70005

Reed S. Minkin
3838 N. Causeway., Ste. 2500
Metairie, La 70002

Chad P. Morrow
909 Poydras St., Ste. 2800
New Orleans, La 70112

Kim Huong Ashley Tran
3838 N. Causeway, Ste. 2850
Metairie, La 70002

Mark C. Carver
1010 Common St., Ste. 2600
New Orleans, La 70112

James J. Whittenburg
3350 Ridgelake Dr., Ste. 108
Metairie, La 70002

Lafayette

Cynthia A. Acosta
P.O. Drawer 51769
Lafayette, La 70505

Darleen David
102 Rebecca Dr.
Lafayette, La 70508

John H. Galloway
304 Vital St.
Lafayette, La 70506

Susan F. Trahan
212 Highland Dr.
Lafayette, La 70506

Callie P. Avera
409 Ravine Run Dr.
Lafayette, La 70506

Lynn A. Guidry
123 Erika Dr.
Lafayette, La 70506

Susan M. Reed
111 Hesper Dr.
Carencro, La 70520

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29th DAY'S PROCEEDINGS

Lasalle

Nancy R. Thompson
P.O. Box 602
Jena, La 71342

Lincoln

Randell Alexander
P.O. Box 428
Jonesboro, La 71251

Fonda Malone
1306 Milk Dr.
Ruston, La 71270

Morehouse

Nancy M. Long
P.O. Box 2350
Monroe, La 71207

Natchitoches

Kathy R. Allen
5771 Hwy. 1 Bypass
Natchitoches, La 71457

Jo Nell Burr
430 Keyser Ave.
Natchitoches, La 71457

Linda S. Fobb
1116 Amulet St.
Natchitoches, La 71457

Buford I. Grappe
1647 Clark Rd.
Campti, La 71411

Cristy L. Walker
P.O. Box 319
Campti, La 71411

Orleans

Dara L. Baird
5523 S. Johnson St.
New Orleans, La 70125

Jamie Anne Domilise
601 Poydras St., Ste. 2100
New Orleans, La 70130

Veleka Eskinde
1116 Cambronne, Ste. A
New Orleans, La 70118

Karen Glaser
2735 Tulane Ave.
New Orleans, La 70119

John S. Godfrey
1100 Poydras St., Ste. 2500
New Orleans, La 70163

Stephen Hanemann
601 Poydras St., 21st FL.
New Orleans, La 70130

Ellen M. Hazeur
5121 Easterlyn Circle
New Orleans, La 70128

Ashlye M. Keaton
2223 Magazine St., 1st FL.
New Orleans, La 70130

Andre' Ransom
821 Baronne St.
New Orleans, La 70113

Katherine L. Winters
601 Poydras St., 21st FL.
New Orleans, La 70130

Catherine J. Drake
2118 S. Lopez St.
New Orleans, La 70125

Jill M. Grieshaber
5704 Magazine St.
New Orleans, La 70115

James Leathem
909 Poydras St., Ste. 2000
New Orleans, La 70112

Ouachita

Ginger Ezell
2984 Hwy. 80 West #99
Calhoun, La 71225

Robin Kilpatrick Fincher
141 North 7th St.
West Monroe, La 71291

Darrell Keith Oliveaux
1900 North 18th St., Ste. 300
Monroe, La 71201

Gary Glen Osborne, Jr.
1900 North 18th St., Ste. 801
Monroe, La 71201

Janice C. Pierot
119 Greenbriar Dr.
West Monroe, La 71291

Susan C. Sills
330 Northwood Dr.
West Monroe, La 71291

Stephen W. Watts
100 Yellowstone Circle
West Monroe, La 71292

Nikisha E. Winston
3204 Cypress St.
West Monroe, La 71291

Sharon Hutson
1105 Warren Dr.
West Monroe, La 71291

Vicky Weaver
112 Louisiana Ave.
West Monroe, La 71291

Rapides

Bonnie J. Brady
P.O. Drawer 1791
Alexandria, La 71309

Ramona Conques
614 Main St.
Pineville, La 71360

Barbara A. Glasper
808 Broadway Ave.
Alexandria, La 71302

Renita B. Godeaux
2220 Bonaventure Court
Alexandria, La 71301

Jerry L. Guillory
6328 Landmark Dr.
Alexandria, La 71301

Sandra Jeanise
3232 Baldwin Ave.
Alexandria, La 71301

Susan Y. Paul
P.O. Box 7477
Alexandria, La 71306

Courtney Ryland
5757 Coliseum Blvd.
Alexandria, La 71303

Cheri Lynn Smith
1502 Donahue Ferry Rd.
Pineville, La 71360

Kathy Walker
P.O. Box 12011
Alexandria, La 71315

Sabine

Marvin R. Loucious
1380 Louisiana Ave.
Many, La 71449

St. Bernard
Henri Dazet
1050 S. Jefferson Davis Pkwy.
New Orleans, La 70125

St. Landry

Sandra M. Chapman
211 Daisy Ln.
Opelousas, La 70570

Marie Yvonne Guillory
633 E. Landry St.
Opelousas, La 70570

Earleen R. LaFleur
126 E. Main St.
Ville Platte, La 70586

Joey Ledoux
P.O. Box 594
Washington, La 70589

Debra R. Sostand
7156 Hwy. 103
Washington, La 70589

Joan V. Darbonne
621 Fort Hamilton
Opelousas, La 70570

Stephanie Mack
677 Cheramie Rd.
Opelousas, La 70570

Debrah F. PreJean
118 S. Court St.
Opelousas, La 70570

Robert Lawrence Sandoz
117 W. Landry St.
Opelousas, La 70570

Sandra Vidrine
138 Wilson Bridge Rd.
Washington, La 70589

Bobby Robertson George
1011 Louis St.
St. Martinville, La 70582

St. Mary

Robin D. Aucoin
1407 Middle Rd.
Morgan City, La 70380

Deidra T. Lewis
P.O. Box 1023
Baldwin, La 70514

Pamela M. Meyers
P.O. Drawer 232
Jeanerette, La 70544

St. Tammany

Jennifer G. Ahner
839 St. Charles Ave., Ste. 312
New Orleans, La 70130

Amber Mitchell Davis
408 N. Columbia St.
Covington, La 70433

Joseph B. La Rocca
3850 N. Causeway, Ste. 555
Metairie, La 70002

Ernest R. Perry, Jr.
3414 Canal St.
New Orleans, La 70119

Tangipahoa

Walton T. Tate
200 W. Cate
Hammond, La 70403

Terrebonne

Lauren S. Easley
126 Leighton Loop
Houma, La 70360

Vernon

Shana M. Singletary
846 Hicks School Rd.
Leesville, La 71446

West Baton Rouge

Jody J. Guillory
702 Hwy. 190 West
Port Allen, La 70767

Catherine Stanford
146 Howard Rd.
Opelousas, La 70570

St. Martin

Lisa A. Gardner
1020 Antoine Cretien
Broussard, La 70518
Keith J. Landry
P.O. Box 3768
Lafayette, La 70502

Melinda Fields
1536 Hwy. 90 West
Patterson, La 70392

Jane S. Luke
P.O. Box 4
Centerville, La 70522

Grace J. Coppola
428 Laura Dr. South
Mandeville, La 70448

Rachel E. Lanning
82333 Austin St.
Folsom, La 70437

Phyllis Demanade' Nunez
71429 Hwy. 59
Abita Springs, La 70420

Irene B. Roark
400 Boreaux Court
Madisonville, La 70447

Samuel J. Markus
7856 Main St., Ste. 220
Houma, La 70360

Bonnie Bailey
2767 Bailey Rd.
Leesville, La 71446

Winn

Jimmy Wayne Wiley, Jr.
P.O. Box 447
Winnfield, La 71403

Message from the House

**PASSED SENATE BILLS AND
JOINT RESOLUTIONS**

May 20, 2004

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed the following Senate Bills and Joint Resolutions:

SENATE BILL NO. 67—

BY SENATOR MCPHERSON AND REPRESENTATIVE FARRAR
AN ACT

To enact Part III-H of Title 19 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 19:138 through 138.7, relative to expropriation by municipal corporations; to authorize the city of Pineville to expropriate certain properties for the Susek Drive Project; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 248—

BY SENATOR ULLO
AN ACT

To amend and reenact R.S. 8:606, relative to internment; to require submission of certain information to the Louisiana Cemetery Board; to provide for the initiation of construction of mausoleums or similar structures within a specified period pursuant to plans and contracts; to provide for timely delivery of acceptable interment space; to provide for imposition of penalties for failure to comply; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 143—

BY SENATORS DUPRE AND DUPLESSIS
AN ACT

To amend and reenact R.S. 35:12(D), relative to notaries public; to provide relative to the required use of identification numbers on notarized documents; to exempt out-of-state notaries public from such requirement; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 464—

BY SENATOR FONTENOT
AN ACT

To amend and reenact R.S. 30:2018(C) and to enact R.S. 30:2017(B)(3), relative to the public hearings conducted by the Department of Environmental Quality; to provide for the location of the public hearing; to authorize public officials to speak at such public hearings; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 239—
BY SENATOR HOLLIS

AN ACT

To amend and reenact R.S. 6:969.17, R.S. 9:3529, and R.S. 47:1604.2, relative to certain credit transactions; to provide for the collection of certain fees and charges due to insufficient funds when payment is made by electronic means; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 725—
BY SENATOR HOLLIS

AN ACT

To amend and reenact R.S. 37:1782 and 1787(A)(4) and (D) and to enact R.S. 37:1787(F), relative to pawnbrokers; to provide for definitions; to provide for license eligibility; to provide for license revocation; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 765—
BY SENATORS ADLEY AND CAIN

AN ACT

To enact R.S. 32:73.1, relative to traffic violations; to require an operator of a motor vehicle when overtaking and passing another vehicle to pass on the left and to return to the right lane after passing the vehicle; to provide for penalties; to provide relative to an operator of a motor vehicle that remains or travels in the left lane when not actively passing another vehicle; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
ALFRED W. SPEER

Clerk of the House of Representatives

Message from the House

**CONCURRING IN
SENATE CONCURRENT RESOLUTIONS**

May 20, 2004

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally concurred in the following Senate Concurrent Resolutions:

SENATE CONCURRENT RESOLUTION NO. 119—

BY SENATOR HAINKEL AND REPRESENTATIVES ALARIO, ANSARDI, ARNOLD, BADON, BALDONE, BAUDOIN, BAYLOR, BEARD, BOWLER, BROOME, BRUCE, BRUNEAU, BURNS, BURRELL, R. CARTER, CRANE, CROWE, DAMICO, DANIEL, DARTEZ, DEWITT, DORSEY, DOVE, DURAND, ERDEY, FANNIN, FAUCHEUX, FRITH, FUTRELL, GALLOT, GLOVER, E. GUILLORY, M. GUILLORY, HAMMETT, HEBERT, HONEY, HOPKINS, HUNTER, HUTTER, JACKSON, JEFFERSON, KENNEY, LABRUZZO, LAMBERT, LANCASTER, MARCHAND, MARTINY, MCDONALD, MONTGOMERY, MORRELL, MURRAY, ODINET, PIERRE, PITRE,

M. POWELL, T. POWELL, QUEZAIRE, RICHMOND, RITCHIE, ROMERO, SALTER, SCALISE, SHEPHERD, GARY SMITH, JACK SMITH, ST. GERMAINE, STRAIN, THOMPSON, TOOMY, TOWNSEND, TRAHAN, TUCKER, WADDELL, WALKER, WALSWORTH, WINSTON, WOOTON AND WRIGHT

A CONCURRENT RESOLUTION

To express the sincere and heartfelt condolences of the Legislature of Louisiana on the death of Walter F. Marcus, Jr., retired justice of the Louisiana Supreme Court.

Reported without amendments.

Respectfully submitted,
ALFRED W. SPEER

Clerk of the House of Representatives

**Privilege Report of the
Legislative Bureau**

May 20, 2004

To the President and Members of the Senate:

I am directed by your Legislative Bureau to submit the following report:

The following bills are approved as to construction and duplication. We advise and suggest the following amendments to the engrossed bills.

HOUSE BILL NO. 17—

BY REPRESENTATIVE BOWLER

AN ACT

To amend and reenact R.S. 9:292, relative to the use of surnames by married persons; to provide for the use of a deceased spouse's surname; to provide for the use of a present spouse's surname; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 19—

BY REPRESENTATIVE SHEPHERD

AN ACT

To amend and reenact Code of Criminal Procedure Article 814(A)(3), relative to criminal verdicts; to add the crime of negligent homicide as a responsive verdict to the crime of second degree murder; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 97—

BY REPRESENTATIVE SALTER

AN ACT

To enact Children's Code Article 815(E), relative to preadjudication custody of children; to provide with respect to the costs of such custody; to provide for the responsibility of bearing such costs; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 119—

BY REPRESENTATIVES TOOMY, ANSARDI, BOWLER, DAMICO, LANCASTER, MARTINY, SHEPHERD, AND WOOTON AND SENATORS BOISSIERE, LENTINI, AND ULLO

AN ACT

To amend and reenact R.S. 13:1444(7) and to enact R.S. 13:1444(8), relative to the civil jurisdiction of parish courts; to limit jurisdiction over suits filed under the Governmental Claims Act; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 121—

BY REPRESENTATIVES TOOMY, ANSARDI, BOWLER, DAMICO, LANCASTER, MARTINY, SHEPHERD, AND WOOTON AND SENATORS BOISSIERE, LENTINI, AND ULLO

AN ACT

To amend and reenact R.S. 13:2561.2(A), 2561.4, 2562.2(A), and 2562.4, relative to parish courts; to limit the civil jurisdiction of the First and Second Parish Courts for Jefferson Parish; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 132—

BY REPRESENTATIVE JOHNS

AN ACT

To enact R.S. 15:254.8, relative to compensation of off-duty law enforcement officers subpoenaed to testify in the mayor's court of Vinton; to require the clerk of the town of Vinton to pay witness fees when off-duty law enforcement officers are subpoenaed to testify; to provide for certification requirements; to provide for maximum allowable fees; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 155—

BY REPRESENTATIVES MARTINY, ANSARDI, DAMICO, LANCASTER, SCALISE, TOOMY, AND WOOTON AND SENATORS BOISSIERE, LENTINI, AND ULLO

AN ACT

To amend and reenact R.S. 15:705(A)(2), relative to food and clothing provisions for prisoners; to provide with respect to reimbursement from an inmate for certain expenses associated with incarceration; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 220—

BY REPRESENTATIVE BOWLER

AN ACT

To amend and reenact R.S. 9:315.18(B)(1)(introductory paragraph) and (C) and to repeal R.S. 9:315.18(D), relative to child support; to provide for eligibility to claim federal and state tax dependency deductions; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 247—

BY REPRESENTATIVE THOMPSON

AN ACT

To amend and reenact R.S. 14:67.2(A) and (C)(introductory paragraph) and to enact R.S. 14:67.2(B)(4), relative to theft; to provide with respect to theft of animals; to authorize courts to

order restitution in certain circumstances; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 303—

BY REPRESENTATIVES R. CARTER AND MCVEA AND SENATOR NEVERS

AN ACT

To enact R.S. 30:2154(B)(2)(g), relative to solid waste; to provide for the authority of the secretary of the Department of Environmental Quality; to provide for the registration and permitting of certain solid waste facilities in St. Helena Parish; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 404—

BY REPRESENTATIVE BOWLER

AN ACT

To amend and reenact R.S. 9:315.8(E)(3)(a), relative to child support; to provide relative to joint custody; to provide for consideration of the continuing expenses of the domiciliary party; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 405—

BY REPRESENTATIVE BOWLER

AN ACT

To amend and reenact R.S. 9:5212 and R.S. 35:12(D) and 392.1, relative to ex officio notaries; to provide relative to the authority of ex officio notaries; to provide for the rejection of certain documents; to provide for actions exceeding the authority granted; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 428—

BY REPRESENTATIVE DURAND

AN ACT

To enact R.S. 37:1285.3, relative to the Louisiana State Board of Medical Examiners; to require that security accompany any judicial review of a final decision of the board; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 473—

BY REPRESENTATIVE DURAND

AN ACT

To enact R.S. 37:1285(G), (H), and (I), relative to the Louisiana State Board of Medical Examiners; to provide for strict limitations and conditions on staying or continuing an adjudication proceeding, decision, or order of the board prior to the issuance of a final decision; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 531—

BY REPRESENTATIVE JOHNS

AN ACT

To amend and reenact R.S. 9:315.11, relative to the calculation of child support; to provide for the determination of a party's income earning potential; to provide for the imputation of income; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 561—

BY REPRESENTATIVES WALSWORTH, KATZ, AND THOMPSON

AN ACT

To enact R.S. 14:61, relative to unauthorized entry of a critical infrastructure; to define unauthorized entry of a critical infrastructure; to provide for penalties; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 574—

BY REPRESENTATIVES MORRISH, BRUCE, AND ROMERO

AN ACT

To amend and reenact R.S. 15:572.4(D), relative to reprieve and pardon of offenders; to provide with respect to the time periods in which certain offenders may apply for a pardon or commutation of sentence; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 575—

BY REPRESENTATIVE BOWLER

AN ACT

To amend and reenact R.S. 9:315(C)(3) and 315.5, relative to child support awards; to provide for the definition of ordinary expenses; to provide for the definition of extraordinary expenses; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 576—

BY REPRESENTATIVE BOWLER

AN ACT

To amend and reenact Civil Code Articles 571 and 573 and to repeal Code of Civil Procedure Article 3154.1, relative to usufructuaries; to provide for the giving of security; to provide for the type of security; to prohibit dispensing with security for certain testamentary usufructs; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 577—

BY REPRESENTATIVE JACKSON

AN ACT

To enact Code of Civil Procedure Article 224(11), relative to contempt of court; to provide for constructive contempt of court for making a false statement of a material fact for support enforcement services; to provide for contempt of court for failing to disclose a material fact for support enforcement services; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 640—

BY REPRESENTATIVES M. GUILLORY, MARTINY, RICHMOND, BADON AND BROOME

AN ACT

To enact R.S. 14:106.3, relative to offenses affecting the general peace and order; to create the crime of unlawful exhibition of sexually explicit material in a motor vehicle; to provide for penalties; to provide for definitions; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 750—

BY REPRESENTATIVES DURAND AND MURRAY

AN ACT

To amend and reenact R.S. 40:41(B) and (C)(2) and 61(A)(4) and to enact R.S. 40:41(J), relative to vital statistics; to provide for judicial use of birth certificates; to provide for judicial use of death certificates; to clarify that an attorney may obtain birth or death certificates in a record only if he represents persons authorized to inspect or receive such certificates; to provide for the Department of Health and Hospitals to use vital statistic information; to provide for penalties; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 994—

BY REPRESENTATIVE MARTINY

AN ACT

To amend and reenact R.S. 14:222.1, relative to the crime of unauthorized interception, interference with, or retransmission of services offered over a cable television system; to provide for definitions; to provide for penalties for violations; to provide relative to disposition of equipment; to provide for an effective date; to provide for elements of the crime; to provide for exceptions; and to provide for related matters.

Reported with amendments.

LEGISLATIVE BUREAU AMENDMENTS

Amendments proposed by Legislative Bureau to Reengrossed House Bill No. 994 by Representative Martiny

AMENDMENT NO. 1

On page 2, line 16, at the beginning of the line and before "For" change "C" to "C."

HOUSE BILL NO. 1039—

BY REPRESENTATIVE MONTGOMERY

AN ACT

To amend and reenact R.S. 27:52(2)(g) and to enact Chapter 5-A of Title 3 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 3:560.1 through 560.3, relative to Louisiana agricultural development; to provide for definitions; to prohibit limitations on agricultural and aquacultural markets; to provide relative to the Riverboat Gaming Commission; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1111—

BY REPRESENTATIVE TOOMY

AN ACT

To amend and reenact R.S. 40:1049(E), relative to transactions involving proceeds from drug offenses; to provide that the term of imprisonment be served with or without hard labor; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1330—

BY REPRESENTATIVE JOHN SMITH

AN ACT

To enact R.S. 33:1429.1, relative to law enforcement; to authorize certain sheriffs to engage in cooperative endeavors with other law enforcement agencies within the parish for law enforcement purposes, including providing funds to other law enforcement agencies in the parish; to provide limitations; and to provide for related matters.

Reported without amendments.

Respectfully submitted,
ARTHUR J. "ART" LENTINI
Chairman

Adoption of Legislative Bureau Report

On motion of Senator Lentini, the Legislative Bureau amendments were adopted and the Bills and Joint Resolutions were read by title and passed to a third reading.

**Introduction of Resolutions,
Senate and Concurrent**

Senator Bajoie asked for and obtained a suspension of the rules for the purpose of introducing and reading the following Resolutions, Senate and Concurrent, a first and second time and acting upon them as follows:

SENATE RESOLUTION NO. 91—

BY SENATOR JONES

A RESOLUTION

To commend Joel Hawkins on being named the 2004 Student Sports National Coach of the Year.

On motion of Senator Jones, the resolution was read by title and adopted.

SENATE CONCURRENT RESOLUTION NO. 120—

BY SENATOR AMEDEE

A CONCURRENT RESOLUTION

To commend and congratulate the players and coaches of the St. Amant High School Lady Gators on winning the Class 5A Girls High School State Softball Championship.

The resolution was read by title. Senator Amedee moved to adopt the Senate Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dardenne	Jones
Adley	Dupre	Kostelka
Amedee	Ellington	Lentini
Bajoie	Fields	Marionneaux
Barham	Gautreaux, N	McPherson
Boasso	Hainkel	Michot
Cain	Heitmeier	Mount
Chaisson	Holden	Smith
Cheek	Hollis	Theunissen
Cravins	Jackson	Ullo
Total—30		

NAYS

Total—0

ABSENT

Boissiere	Gautreaux, B	Nevers
Duplessis	Irons	Romero
Fontenot	Malone	Schedler
Total—9		

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

SENATE CONCURRENT RESOLUTION NO. 121—

BY SENATOR FIELDS

A CONCURRENT RESOLUTION

To create the Predatory Lending Prevention Task Force to study the conditions in the Louisiana housing finance market and address the issues and concerns relative to protecting Louisiana citizens from predatory lending practices.

The resolution was read by title. Senator Fields moved to adopt the Senate Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Jones
Adley	Dupre	Lentini
Amedee	Ellington	Malone
Bajoie	Fields	Marionneaux
Barham	Fontenot	McPherson
Boasso	Gautreaux, N	Michot
Boissiere	Hainkel	Mount
Cain	Heitmeier	Nevers
Chaisson	Holden	Schedler
Cheek	Hollis	Smith
Cravins	Irons	Theunissen
Dardenne	Jackson	Ullo
Total—36		

NAYS

Total—0

ABSENT

Gautreaux, B

Kostelka

Romero

Total—3

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

**Senate Concurrent Resolutions
on Second Reading**

The following Senate Concurrent Resolutions were read and acted upon as follows:

**SENATE CONCURRENT RESOLUTION NO. 118—
BY SENATOR DARDENNE**

A CONCURRENT RESOLUTION

To express the sincere and heartfelt condolences of the Legislature of Louisiana upon the death of William Kenneth "Bill" Carville, husband, son, brother, Vietnam Veteran, Army Reservist, corrections veteran, and friend.

The resolution was read by title. Senator Dardenne moved to adopt the Senate Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President

Duplessis

Jones

Adley

Dupre

Lentini

Amedee

Ellington

Malone

Bajoie

Fields

Marionneaux

Barham

Fontenot

McPherson

Boasso

Gautreaux, B

Michot

Boissiere

Gautreaux, N

Mount

Cain

Heitmeier

Nevers

Chaisson

Holden

Schedler

Cheek

Hollis

Smith

Cravins

Irons

Theunissen

Dardenne

Jackson

Ullo

Total—36

NAYS

Total—0

ABSENT

Hainkel

Kostelka

Romero

Total—3

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

Messages from the House

The following Messages from the House were received and read as follows:

Message from the House

**ASKING CONCURRENCE IN
HOUSE BILLS AND JOINT RESOLUTIONS**

May 20, 2004

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Bills and Joint Resolutions:

HOUSE BILL NO. 623—

BY REPRESENTATIVES JEFFERSON AND THOMPSON
AN ACT

To amend and reenact R.S. 9:3571.1(H) and (L)(introductory paragraph) and to enact R.S. 9:3571.1(M) through (Y), relative to protection from identity theft; to provide for security freezes; to provide for definitions; to provide for the procedures for access after imposition and removal of security freezes; and to provide for related matters.

HOUSE BILL NO. 1127—

BY REPRESENTATIVES BURRELL, BAYLOR, GLOVER, JEFFERSON, LAMBERT, MARCHAND, AND RITCHIE
AN ACT

To enact Chapter 5-M of Title 25 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 25:380.101 through 380.106, and R.S. 36:744(X) and 801.17, to create the McNeill Street Pumping Station Museum in the Department of State; to provide relative to the governing authority of the museum including its composition, powers, duties, responsibilities, meetings, and officers; to provide for the adoption of rules and regulations including fees; to provide for receipt and use of funds and property; to provide relative to the authority of the secretary of state with respect to the museum; to provide relative to personnel and budgets of the museum; and to provide for related matters.

HOUSE BILL NO. 1532—

BY REPRESENTATIVE TUCKER
AN ACT

To direct the Department of Transportation and Development to limit certain access along a state highway; and to provide for related matters.

HOUSE BILL NO. 1674—

BY REPRESENTATIVES WALSWORTH, FRITH, DOERGE, T. POWELL, AND THOMPSON
AN ACT

To enact R.S. 51:2453(1)(a)(i)(dd), relative to the Louisiana Quality Jobs Program; to provide for participation in the program for certain small Vision 2020 cluster businesses; and to provide for related matters.

**HOUSE BILL NO. 1705 (Substitute for House Bill No. 34
by Representative Fauchaux)—**

BY REPRESENTATIVE FAUCHEUX
AN ACT

To amend and reenact R.S. 26:81(E) and 281(F), relative to alcoholic beverage permits of high and low alcoholic content; to provide for an exception to the prohibition that restricts the permitting

of an establishment within certain distances from a church or synagogue; and to provide for related matters.

Respectfully submitted,
ALFRED W. SPEER
Clerk of the House of Representatives

House Bills and Joint Resolutions on First Reading

The following House Bills and Joint Resolutions were read a first time by their titles and placed on the Calendar for their second reading:

HOUSE BILL NO. 623—

BY REPRESENTATIVES JEFFERSON AND THOMPSON
AN ACT

To amend and reenact R.S. 9:3571.1(H) and (L)(introductory paragraph) and to enact R.S. 9:3571.1(M) through (Y), relative to protection from identity theft; to provide for security freezes; to provide for definitions; to provide for the procedures for access after imposition and removal of security freezes; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 1127—

BY REPRESENTATIVES BURRELL, BAYLOR, GLOVER,
JEFFERSON, LAMBERT, MARCHAND, AND RITCHIE
AN ACT

To enact Chapter 5-M of Title 25 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 25:380.101 through 380.106, and R.S. 36:744(X) and 801.17, to create the McNeill Street Pumping Station Museum in the Department of State; to provide relative to the governing authority of the museum including its composition, powers, duties, responsibilities, meetings, and officers; to provide for the adoption of rules and regulations including fees; to provide for receipt and use of funds and property; to provide relative to the authority of the secretary of state with respect to the museum; to provide relative to personnel and budgets of the museum; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 1532—

BY REPRESENTATIVE TUCKER
AN ACT

To direct the Department of Transportation and Development to limit certain access along a state highway; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 1674—

BY REPRESENTATIVES WALSWORTH, FRITH, DOERGE, T.
POWELL, AND THOMPSON
AN ACT

To enact R.S. 51:2453(1)(a)(i)(dd), relative to the Louisiana Quality Jobs Program; to provide for participation in the program for certain small Vision 2020 cluster businesses; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 1705 (Substitute for House Bill No. 34 by Representative Faucheux)—

BY REPRESENTATIVE FAUCHEUX
AN ACT

To amend and reenact R.S. 26:81(E) and 281(F), relative to alcoholic beverage permits of high and low alcoholic content; to provide for an exception to the prohibition that restricts the permitting of an establishment within certain distances from a church or synagogue; and to provide for related matters.

The bill was read by title; lies over under the rules.

Messages from the House

The following Messages from the House were received and read as follows:

Message from the House

ASKING CONCURRENCE IN HOUSE CONCURRENT RESOLUTIONS

May 20, 2004

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Concurrent Resolutions:

HOUSE CONCURRENT RESOLUTION NO. 203 —

BY REPRESENTATIVE FUTRELL AND SENATOR DARDENNE
A CONCURRENT RESOLUTION

To commend Coach Gayle Hatch on his selection as head coach of the 2004 U.S. Olympic Weightlifting Team.

HOUSE CONCURRENT RESOLUTION NO. 205—

BY REPRESENTATIVES DOWNS AND GALLOT
A CONCURRENT RESOLUTION

To commend and congratulate Glen Erroll Neaville upon his forty-fifth anniversary in banking in Louisiana.

Respectfully submitted,
ALFRED W. SPEER
Clerk of the House of Representatives

House Concurrent Resolutions

Senator Bajoie asked for and obtained a suspension of the rules to take up at this time the following House Concurrent Resolutions just received from the House which were taken up, read a first and second time by their titles and acted upon as follows:

HOUSE CONCURRENT RESOLUTION NO. 203 —

BY REPRESENTATIVE FUTRELL AND SENATOR DARDENNE
A CONCURRENT RESOLUTION

To commend Coach Gayle Hatch on his selection as head coach of the 2004 U.S. Olympic Weightlifting Team.

The resolution was read by title. Senator Dardenne moved to concur in the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Jones
Adley	Dupre	Lentini
Amedee	Ellington	Malone
Bajoie	Fields	Marionneaux
Barham	Fontenot	McPherson
Boasso	Gautreaux, B	Michot
Boissiere	Gautreaux, N	Mount
Cain	Hainkel	Nevers
Chaisson	Heitmeier	Schedler
Cheek	Holden	Smith
Cravins	Hollis	Theunissen
Dardenne	Irons	Ullo
Total—36		

NAYS

Total—0

ABSENT

Jackson	Kostelka	Romero
Total—3		

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

HOUSE CONCURRENT RESOLUTION NO. 205—

BY REPRESENTATIVES DOWNS AND GALLOT

A CONCURRENT RESOLUTION

To commend and congratulate Glen Erroll Neaville upon his forty-fifth anniversary in banking in Louisiana.

The resolution was read by title. Senator Barham moved to concur in the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Lentini
Adley	Ellington	Malone
Amedee	Fields	Marionneaux
Bajoie	Fontenot	McPherson
Barham	Gautreaux, B	Michot
Boasso	Gautreaux, N	Mount
Boissiere	Hainkel	Nevers
Cain	Heitmeier	Romero
Chaisson	Holden	Schedler
Cheek	Hollis	Smith
Cravins	Irons	Theunissen
Dardenne	Jones	Ullo
Duplessis	Kostelka	

Total—38

NAYS

Total—0

ABSENT

Jackson
Total—1

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

**House Bills and Joint Resolutions
on Second Reading to be Referred**

The following House Bills and Joint Resolutions were read by title and referred to committees as follows:

HOUSE BILL NO. 6—

BY REPRESENTATIVE FAUCHEUX

AN ACT

To enact R.S. 17:85.5, relative to naming a gymnasium; to authorize the parish school board in certain parishes to name a gymnasium in honor of a former school board member; to provide limitations; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Education.

HOUSE BILL NO. 129—

BY REPRESENTATIVES ANSARDI AND LANCASTER

AN ACT

To amend and reenact R.S. 9:5166, relative to judgments; to provide for the partial cancellation of judgments; to provide for the filing of an affidavit; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Judiciary A.

HOUSE BILL NO. 161—

BY REPRESENTATIVE FAUCHEUX

AN ACT

To enact R.S. 13:2588, relative to justices of the peace; to authorize justices of the peace to charge a fee for performing marriage ceremonies; to establish a maximum fee which justices of the peace may charge for performing marriage ceremonies; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Judiciary A.

HOUSE BILL NO. 208—

BY REPRESENTATIVE GALLOT

AN ACT

To enact R.S. 33:1704.5, relative to the City Court of Ruston; to increase the fees that the office of marshal is entitled to charge for services provided in civil matters; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Judiciary A.

HOUSE BILL NO. 292—

BY REPRESENTATIVE DORSEY
AN ACT

To enact R.S. 15:831(E), relative to medical care of inmates; to require the secretary of the Department of Public Safety and Corrections to adopt rules for the monitoring of diets of inmates diagnosed with a medical condition or disease; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Judiciary B.

HOUSE BILL NO. 899—

BY REPRESENTATIVE GALLOT
AN ACT

To amend and reenact R.S. 17:3390(B)(introductory paragraph), (2), and (3) and (D), relative to nonprofit corporations which support public higher education institutions; to provide that the definition of a nonprofit corporation that is not public or quasi public includes certain nonprofit corporations whose primary purpose is to finance the design, construction, renovation, or equipping of facilities; to provide relative to auditing of such nonprofit corporations; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Education.

HOUSE BILL NO. 950—

BY REPRESENTATIVE GALLOT
AN ACT

To amend and reenact R.S. 38:2862, 2866, 2868, 2869(3), (4), and (10)(introductory paragraph) and (d) and (g), and 2870 and to repeal R.S. 38:2869(10)(e), relative to the Claiborne Parish Watershed District; to provide relative to the purposes of the district; to provide relative to the board of commissioners of the district; to provide relative to qualifications, term limits, and removal of board members; to provide relative to the powers of the board; to provide relative to rules and regulations promulgated by the board and the enforcement thereof; to provide relative to civil service status of employees; to provide for violations and penalties; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Local and Municipal Affairs.

HOUSE BILL NO. 1193—

BY REPRESENTATIVE K. CARTER
AN ACT

To enact Chapter 15 of Title 23 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 23:3001 through 3004, relative to wages; to create the Equal Pay Commission; to provide for its membership; to provide for meetings; to provide for findings and recommendations; to provide for the termination of the commission; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Labor and Industrial Relations.

HOUSE BILL NO. 1413—

BY REPRESENTATIVE TOOMY
AN ACT

To amend and reenact R.S. 16:51(A)(1), (2), (4), (7), (16), (17), (19), (22), (23), (24), (26), (32), (36), and (41), relative to assistant district attorneys; to provide for additional assistant district attorneys for certain judicial districts; to provide for effectiveness; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Judiciary C.

HOUSE BILL NO. 1610—

BY REPRESENTATIVES MORRISH AND WALSWORTH
AN ACT

To enact R.S. 22:228.8 and R.S. 42:802(C), relative to health insurance; to authorize the Office of Group Benefits and political subdivisions of the state to establish health savings accounts and other similar accounts as authorized by federal law; to authorize political subdivisions of the state to contribute funds toward such accounts; to provide relative to the uses of such accounts; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Local and Municipal Affairs.

HOUSE BILL NO. 1660—

BY REPRESENTATIVES BROOME, JACKSON, AND DANIEL
AN ACT

To amend and reenact the heading of Part II of Chapter 27 of Title 33 of the Louisiana Revised Statutes of 1950 and R.S. 33:9038.1(3), relative to cooperative economic development and tax increment financing; to change population restrictions in the definition of a local governmental subdivision to which certain provisions are applicable; and to provide for related matters.

On motion of Senator Fontenot, the bill was read by title and referred to the Committee on Local and Municipal Affairs.

HOUSE BILL NO. 1704 (Substitute for House Bill No. 23 by Representative Faucheux)—

BY REPRESENTATIVES TOWNSEND AND FAUCHEUX
AN ACT

To amend and reenact R.S. 26:73(G) and 272(G), relative to the issuance of certain alcoholic beverage permits for a restaurant located in a specified location; requires the issuance of a Class A Retail Liquor Permit and a Class "R" permit for alcohol of a high and low content for a restaurant located in a specified historic area; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Judiciary B.

HOUSE BILL NO. 1706 (Substitute for House Bill No. 44 by Representative Lambert)—

BY REPRESENTATIVE LAMBERT
AN ACT

To amend and reenact R.S. 15:255(A)(1), (E)(1), (G), (H), and (I) and to enact R.S. 15:255(A)(4), (E)(5), and (J); relative to witness fees paid to off-duty law enforcement officers; to increase the amount of witness fees paid to off-duty law enforcement officers; to require the law enforcement officer to provide documentation; to require the municipal and parish governing

authority to timely transmit the fee to the law enforcement officer; to prohibit an officer from receiving the fee if he has received certain federal compensation; to not prohibit the governing authority of a parish or municipality from entering into a cooperative endeavor agreement; to not require a parish or municipal governing authority to appropriate general fund monies for the payment of the fee; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Judiciary B.

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON

**TRANSPORTATION, HIGHWAYS, AND
PUBLIC WORKS**

Senator Ellington, Chairman on behalf of the Committee on Transportation, Highways, and Public Works, submitted the following report:

May 20, 2004

To the President and Members of the Senate:

I am directed by your Committee on Transportation, Highways, and Public Works to submit the following report:

HOUSE CONCURRENT RESOLUTION NO. 68—

BY REPRESENTATIVES ODINET AND HUTTER

A CONCURRENT RESOLUTION

To memorialize the United States Congress, the Louisiana Congressional Delegation, and the United States Army Corps of Engineers to promptly close the Mississippi River Gulf Outlet in the manner contemplated by the Coast 2050 Plan and to memorialize the United States Congress and the Louisiana Congressional Delegation to authorize the full funding capability of the United States Army Corps of Engineers for the Inner Harbor Navigation Canal lock project.

Reported favorably.

HOUSE CONCURRENT RESOLUTION NO. 110—

BY REPRESENTATIVES TUCKER, BEARD, BURNS, DOWNS, FANNIN, FUTRELL, M. GUILLORY, HUTTER, KATZ, LAMBERT, PITRE, M. POWELL, QUEZAIRE, AND SMILEY

A CONCURRENT RESOLUTION

To direct the House and Senate Transportation, Highways and Public Works Committees to meet and to function as a joint committee to study and make recommendations regarding the re-creation of the Department of Transportation and Development, including but not limited to recommendations regarding the elimination or consolidation of programs or activities which are inactive, unnecessary, or which duplicate other governmental entities, or the elimination of inefficient or ineffective programs, or programs which are inconsistent with the intent of re-creating the department, and to report the findings of the joint committee

to the legislature and the Department of Transportation and Development no later than February 1, 2005.

Reported favorably.

HOUSE BILL NO. 142—

BY REPRESENTATIVE JACK SMITH

AN ACT

To amend and reenact R.S. 32:217(B), relative to pedestrians' rights and duties on public streets or highways; to provide that traffic shall yield to a person who requires a wheelchair for transportation and who is crossing a street; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 285—

BY REPRESENTATIVE DANIEL

AN ACT

To amend and reenact R.S. 32:1720.1, relative to towing and storage of motor vehicles; to provide relative to stored motor vehicles; to remove certain requirements applicable to surrender of such vehicles to a secured party; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 384—

BY REPRESENTATIVE TOWNSEND

AN ACT

To amend and reenact R.S. 32:80(B), relative to school buses; to provide relative to the use of visual stop-indicator signals on school buses; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 570—

BY REPRESENTATIVE GARY SMITH

AN ACT

To amend and reenact R.S. 17:270(A) and 271(A)(2) and R.S. 32:402.1(A)(introductory paragraph) and (1) and (2)(introductory paragraph), 402.2, 407(A)(2)(a), and 408(A)(1), relative to driver education, training, and testing; to require instruction relative to sharing the road with motorcycles and tractor/trailer trucks during driver education, training, improvement, and remediation programs; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 626—

BY REPRESENTATIVE QUEZAIRE

AN ACT

To enact R.S. 32:666(C), relative to refusal to submit to chemical tests; to provide with respect to law enforcement officers who are appointed as ex officio notaries public; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 635—
BY REPRESENTATIVE QUEZAIRE
AN ACT

To amend and reenact R.S.48:461.4(b)(3) and (4) and 461.26(B), relative to outdoor advertising; to provide relative to outdoor advertising along designated state parkways; to provide measurement requirements for placement of off-premise outdoor advertising signs along designated state parkways; to provide that certain signs shall not be placed in a stacked configuration; to provide relative to the maximum height of certain outdoor advertising signs; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 672—
BY REPRESENTATIVE ARNOLD
AN ACT

To amend and reenact R.S. 47:820.5.3(C), relative to the Crescent City Connection Oversight Authority; to provide relative to membership thereon; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 868—
BY REPRESENTATIVE MONTGOMERY
AN ACT

To amend and reenact R.S. 47:510(A), relative to vehicle registration; to provide relative to the requirement that vehicle manufacturers and dealers give notice regarding vehicle transfers; to provide relative to certain exemptions; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 1461—
BY REPRESENTATIVE QUEZAIRE
AN ACT

To amend and reenact R.S. 32:389(D)(2), relative to weights and standards stationary scale police; to provide relative to appointment of the panel that reviews citations issued by weights and standards stationary scale police officers; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1540—
BY REPRESENTATIVES KENNEY AND THOMPSON
AN ACT

To name the new Ouachita River bridge at Columbia the Governor John J. McKeithen Bridge; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1550—
BY REPRESENTATIVE HEATON
AN ACT

To enact R.S. 32:403.5, relative to drivers' licenses; to provide for the issuance of drivers' licenses to persons using bioptic telescopic

lenses; to provide conditions and limitations for licensing; to provide driving restrictions; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
NOBLE E. ELLINGTON
Chairman

**REPORT OF COMMITTEE ON
EDUCATION**

Senator Ullo, Chairman on behalf of the Committee on Education, submitted the following report:

May 20, 2004

To the President and Members of the Senate:

I am directed by your Committee on Education to submit the following report:

SENATE BILL NO. 16—
BY SENATOR B. GAUTREAUX
AN ACT

To enact R.S. 17:183, relative to the hazing of students; to provide for legislative intent; to provide definitions; to prohibit hazing; to require city, parish, and other local public school boards to adopt, enforce, and post hazing policies; to provide for the required content of such policies; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 301—
BY SENATOR HOLDEN
AN ACT

To enact R.S. 17:24.7, relative to the functions of the state Department of Education; to require the establishment of a pilot program of extended kindergarten; to provide for the eligibility of students to participate; to provide for the nature, duration, evaluation, and continuation of the pilot program; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 697—
BY SENATOR IRONS
AN ACT

To enact Part II-C of Chapter 8 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:1970.31 through 1970.36, relative to creation of the International School of Louisiana; to provide for a college preparatory education emphasizing French or Spanish language immersion; to provide for definitions; to provide for the location and relationship with educational boards and the state; to provide for a board of directors and terms of office; to provide for powers, duties, functions and terms of office; to provide for funding; and to provide for related matters.

Reported by substitute.

HOUSE BILL NO. 96—

BY REPRESENTATIVE CRANE AND SENATOR ULLO
AN ACT

To enact R.S. 37:2950(D)(1)(a)(xiv), relative to professions and occupations; to add the State Board of Elementary and Secondary Education to the list of exempt agencies from the general prohibition against the state disqualifying an applicant for employment or for a license, permit, or certificate for an occupation, trade, or profession solely based upon a prior criminal record; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 173—

BY REPRESENTATIVE CRANE AND SENATOR ULLO
AN ACT

To amend and reenact R.S. 17:421.9(B), 421.10(B), and 421.11(B), relative to school employees; to provide relative to salary supplements for certain school employees who have acquired certain credentials; to provide conditions and guidelines for receiving the supplement; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 213—

BY REPRESENTATIVE CRANE AND SENATOR ULLO
AN ACT

To amend and reenact R.S. 17:1954(A)(introductory paragraph) and (C)(1), (3), (4), and (5), relative to a special education advisory panel; to specify that the panel shall be appointed by the State Board of Elementary and Secondary Education; to specify that the panel shall advise the State Board of Elementary and Secondary Education in certain matters; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 257—

BY REPRESENTATIVE CRANE
AN ACT

To amend and reenact R.S. 17:3022(A)(1)(introductory paragraph) and 3093(B)(2), relative to the membership of the Louisiana Student Financial Assistance Commission; to increase the membership of the Louisiana Student Financial Assistance Commission; to provide relative to commission members serving on the Louisiana Tuition Trust Authority; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 302—

BY REPRESENTATIVE GARY SMITH
AN ACT

To amend and reenact R.S. 17:10.4(A) and (D)(2), relative to the distinguished educators program; to establish a deadline for the selection of distinguished educators from among active employees of city, parish, and other local public school boards; to require certain notice to a city, parish, or other local public school board whenever an active employee of the school board is selected; to limit in any year in which selections are made the number of persons serving as distinguished educators who are from any one city, parish, or other local public school board; to

provide relative to the applicability of such limitation; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 556—

BY REPRESENTATIVES CRANE AND DORSEY
AN ACT

To amend and reenact Section 1(B) of Act No. 991 of the 1999 Regular Session of the Legislature, relative to the authority granted to the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College to impose specified increases in tuition amounts at the university laboratory school; to remove exceptions relative to the payment of certain authorized amount increases provided for certain families based on gross annual household income; to provide for the applicability of exceptions previously authorized by law; to provide an effective date; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 565—

BY REPRESENTATIVE FARRAR (BY REQUEST)
AN ACT

To amend and reenact R.S. 17:87.8(A)(introductory paragraph), relative to procedures for renting or leasing of sixteenth section school lands by local school boards for hunting or trapping purposes; to remove Rapides Parish from the list of parishes excepted from such provisions; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 566—

BY REPRESENTATIVE FARRAR (BY REQUEST)
AN ACT

To enact R.S. 41:900, relative to the exchange of unused school land; to authorize the Rapides Parish School Board to exchange unused school land, including but not limited to sixteenth section land; to provide procedures, terms, and conditions, including advertisement, appraisals, and public hearing for such exchange; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1474—

BY REPRESENTATIVES DOVE AND BALDONE
AN ACT

To amend and reenact R.S. 17:3351(A)(5)(b)(iii), to provide relative to tuition and mandatory attendance fee amounts established by the Board of Supervisors of Community and Technical Colleges and applicable to students enrolled in certain technical community colleges under the board's supervision and management; to provide limitations; to require certain reports; to provide for an effective date; and to provide for related matters.

Reported favorably.

Respectfully submitted,
CHRIS ULLO
Chairman

REPORT OF COMMITTEE ON

LABOR AND INDUSTRIAL RELATIONS

Senator Holden, Chairman on behalf of the Committee on Labor and Industrial Relations, submitted the following report:

May 20, 2004

To the President and Members of the Senate:

I am directed by your Committee on Labor and Industrial Relations to submit the following report:

SENATE CONCURRENT RESOLUTION NO. 58—
BY SENATOR IRONS

A CONCURRENT RESOLUTION

To urge and request that the Senate and House labor and industrial relations committees to meet and function as a joint committee to study the effects of an inadequately trained and motivated tourism and hospitality workforce on the future financial viability and competitiveness of the tourism industry on the New Orleans Metropolitan Area and throughout the state.

Reported with amendments.

HOUSE BILL NO. 700—
BY REPRESENTATIVE HUNTER
AN ACT

To amend and reenact R.S. 23:1378(B), relative to the Second Injury Fund; to provide for clarification of the prescriptive period for filing notice; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 790—
BY REPRESENTATIVE HUNTER
AN ACT

To amend and reenact R.S. 23:1378(E), relative to the second injury fund; to provide for venue of Second Injury Board appeals; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 820—
BY REPRESENTATIVE HUNTER
AN ACT

To amend and reenact R.S. 23:1294(A)(2)(introductory paragraph) and (3) and to enact R.S. 23:1294(A)(2)(i), relative to workers' compensation; to provide for the chairman of the Workers' Compensation Advisory Council; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 825—
BY REPRESENTATIVE HUNTER
AN ACT

To amend and reenact R.S. 23:1378(A)(8)(b), relative to the second injury fund; to provide for the submission of requests for settlement approval; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 833—
BY REPRESENTATIVE HUNTER
AN ACT

To repeal R.S. 23:1601(10)(b), relative to unemployment compensation; to remove the provision which requires a fifty percent discount in unemployment benefits after an individual qualifies for benefits subsequent to a disqualification for the use of illegal drugs.

Reported favorably.

HOUSE BILL NO. 908—
BY REPRESENTATIVE HUNTER
AN ACT

To repeal R.S. 23:1131, relative to wage records; to repeal provision allowing for the release of earnings records and information of workers' compensation claimants.

Reported with favorably.

HOUSE BILL NO. 1037—
BY REPRESENTATIVE HUNTER
AN ACT

To amend and reenact R.S. 23:1127(C)(1), 1226(B)(3)(c) and (E), 1310.3(B)(1) and (C), 1310.4(B), 1316.1(C), and 1317(B), relative to workers' compensation hearings procedures; to provide for a reduction in weekly compensation; to provide for mediation procedures; to provide for service of process; to provide for venue; to provide for default judgments; to provide for expert witness fees; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 1369—
BY REPRESENTATIVE PINAC
AN ACT

To amend and reenact R.S. 23:76(A), (B), (C)(1), (4), (5), and (6) and to enact R.S. 23:76(C)(2)(g) and (h), relative to occupational forecasting; to provide for Occupational Forecasting Conference; to provide for information on occupational projections; to provide for additional principals to the conference; to provide for evaluation of labor market data; to provide for voting approval; to provide for a final report; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1698 (Substitute for House Bill No. 847 by Representative Hunter)—
BY REPRESENTATIVE HUNTER
AN ACT

To amend and reenact R.S. 23:1378(A)(1), (2), (3), and (7), relative to the Second Injury Fund; to revise reimbursement provisions; to provide for prescriptive periods; to revise reserves on approved claims; and to provide for related matters.

Reported favorably.

Respectfully submitted,
MELVIN "KIP" HOLDEN

Chairman

**REPORT OF COMMITTEE ON
LOCAL AND MUNICIPAL AFFAIRS**

Senator Fields, Chairman on behalf of the Committee on Local and Municipal Affairs, submitted the following report:

May 20, 2004

To the President and Members of the Senate:

I am directed by your Committee on Local and Municipal Affairs to submit the following report:

SENATE BILL NO. 415—
BY SENATOR MICHOT

AN ACT

To amend R.S. 33:2493(C)(1), and to repeal R.S. 33:2493(C)(2), relative to civil service; to provide with respect to fire and police civil service for municipalities between 13,000 and 250,000; to remove the requirement that any applicant admitted to a civil service test for a position above entry level be a qualified elector of the state of Louisiana; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 799—
BY SENATOR MOUNT

AN ACT

To enact R.S. 40:600.1(B)(6), (7), and (8), 600.2(12) and 600.6(26), relative to the Louisiana Housing Finance Agency; to provide for findings; to provide for a definition of subsidiary; to provide for authority for the agency to sponsor a statewide community housing development organization; to provide with respect to the funding of loans and financing of pools of loans; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 14—
BY REPRESENTATIVE BRUCE

AN ACT

To amend and reenact the heading of Chapter 5-L of Title 25 of the Louisiana Revised Statutes of 1950 and R.S. 25:380.91, 380.92(A) and (C)(2), 380.93(B)(5) and (C)(1), 380.94, 380.95(A), (B), and (C)(1), (2)(b)(iii), and (3), and 380.96 and R.S. 36:744(W) and 801.16(A)(1) and (2) and (C), relative to the Mansfield Women's College Museum in the Department of State; to change the name of the museum; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 24—
BY REPRESENTATIVES BRUNEAU AND HEATON
AN ACT

To enact R.S. 33:9091.7, relative to the Lakewood Crime Prevention and Improvement District; to create and provide with respect to such district, including provisions for the district and its board of commissioners and their powers, duties, functions, and

responsibilities; to provide for imposition and collection of a parcel fee and for the use thereof; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 59—
BY REPRESENTATIVE BRUCE
AN ACT

To enact R.S. 25:215(B)(13), relative to the DeSoto Parish Library; to transfer the administration of and accounting functions for funds of the library from the DeSoto Parish Police Jury to the DeSoto Parish Library Board of Control; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 181—
BY REPRESENTATIVE GARY SMITH
AN ACT

To amend and reenact R.S. 33:1448(G) and to enact R.S. 33:1448(O), relative to group insurance premiums; to provide for the payment of insurance premiums for certain retired sheriffs and deputy sheriffs in St. Charles Parish; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 193—
BY REPRESENTATIVE SALTER
AN ACT

To amend and reenact R.S. 38:2238.2(A)(2)(a), relative to procurement of used fire and emergency response vehicles and equipment by local political subdivisions; to provide with respect to the public notice of the request for proposals; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 212—
BY REPRESENTATIVE BOWLER
AN ACT

To enact R.S. 33:2561.1, relative to fire and police civil service; to provide with respect to small municipalities, parishes, and fire protection districts; to authorize the fire and police civil service board to award attorney fees to an appealing employee under certain circumstances; to provide for a maximum award; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 234—
BY REPRESENTATIVES BRUNEAU AND HEATON
AN ACT

To amend and reenact R.S. 33:9075(B), (D)(1)(a) and (c), and (F)(1)(a), (b), and (d), relative to the Lake Oaks Subdivision Improvement District; to provide for district boundaries the membership of the board of commissioners, the vote of district electors necessary to levy a parcel fee, the maximum amount, the duration, and renewal of such fee, and elections for fee approval and renewal; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 235—

BY REPRESENTATIVE BRUNEAU
AN ACT

To enact R.S. 33:9091.7, relative to the Lakeshore Crime Prevention District; to create and provide with respect to such district, including provisions for the district and its board of commissioners and their powers, duties, functions, and responsibilities; to provide for imposition and collection of a parcel fee and for the use thereof; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 271—

BY REPRESENTATIVE ST. GERMAIN
AN ACT

To amend and reenact R.S. 33:4569.3(11), relative to the Iberville Parks and Recreation District; to increase the maximum rate of ad valorem tax which the district is authorized to levy; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 283—

BY REPRESENTATIVES WINSTON, R. CARTER, MCVEA, T. POWELL, AND STRAIN
AN ACT

To amend and reenact R.S. 33:4574.1-A(A)(1)(dd), relative to the Tangipahoa Parish Tourist and Film Commission; to increase the maximum rate of hotel occupancy tax which the commission is authorized to levy; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 396—

BY REPRESENTATIVE MURRAY
AN ACT

To amend and reenact R.S. 33:4096(B)(2), (D), and (E) and 4121(B)(2), (D), and (E), relative to the New Orleans Sewerage and Water Board; to provide with respect to certain limitations on issuing water and sewerage revenue bonds; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 693—

BY REPRESENTATIVES DAMICO, ANSARDI, MARTINY, TOOMY, TUCKER, AND WOOTON AND SENATORS BOISSIERE, HAINKEL, HEITMEIER, HOLLIS, LENTINI, AND ULLO
AN ACT

To amend and reenact R.S. 33:9129 and to enact R.S. 33:9108(D), relative to communication districts; to provide with respect to the Jefferson Parish Communication District; to authorize the Jefferson Parish Council to adopt, by ordinance or resolution, provisions of the general law relating to communication districts for the use, benefit, operation, and enhancement of the Jefferson Parish Communication District; to make certain provisions of general law applicable to the parish, the council, and the district; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 916—

BY REPRESENTATIVES CAZAYOUX, BAYLOR, GLOVER, AND JACKSON
AN ACT

To enact R.S. 33:2186, relative to the rights of fire employees; to provide relative to investigations of fire employees; to provide for rights to attend hearings; to provide for time limitations on completing an investigation; to provide for extensions of time; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 970—

BY REPRESENTATIVE ALARIO
AN ACT

To amend and reenact R.S. 47:1908(A)(26) and (C), to increase the expense allowance of the assessor of Jefferson Parish; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1096—

BY REPRESENTATIVES TOOMY AND DOVE
AN ACT

To amend and reenact R.S. 33:1981(A) and to enact R.S. 33:1981(C)(3), relative to benefits payable to firemen killed in the line of duty; to provide for firefighting activities included within the scope and performance of official duties as a fireman; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1101—

BY REPRESENTATIVES ANSARDI, DAMICO, MARTINY, AND WOOTON AND SENATORS BOISSIERE, LENTINI, AND ULLO
AN ACT

To enact R.S. 33:2740.18.2, relative to the hotel occupancy tax; to authorize the Jefferson Parish Council to levy and collect an additional hotel occupancy tax within Jefferson Parish; to provide for the purposes for which the proceeds of the tax may be used; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 1109—

BY REPRESENTATIVE T. POWELL
AN ACT

To enact R.S. 33:3892.1, relative to sewerage districts; to provide relative to the powers granted to certain parish sewerage districts; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1178—

BY REPRESENTATIVE PINAC
AN ACT

To amend and reenact R.S. 25:1251(2), 1252(A), and 1253(A)(1)(introductory paragraph) and (a), (l), (m), (n), (o), (p), (q) and (3) and to enact R.S. 25:1253(A)(1)(r), relative to the Mississippi River Road Commission; to provide for geographical boundaries; to provide for membership; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 1184—

BY REPRESENTATIVES CAZAYOUX, BAYLOR, GLOVER, AND JACKSON

AN ACT

To amend and reenact R.S. 33:2477(4) and (5) and 2537(4) and (5), relative to municipal fire and police civil service; to provide for the length of time within which municipal fire and police civil service boards shall conduct certain investigations; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1227—

BY REPRESENTATIVE HILL

AN ACT

To enact R.S. 47:1903.4, relative to the imposition of fees to derive funds for the operation and maintenance of the office of the assessor for the parish of Allen; to authorize the assessor of Allen Parish to impose a conveyance fee; to provide for the collection of the fee; to provide for the use of the monies collected; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 1302—

BY REPRESENTATIVES MURRAY, JEFFERSON, AND MARCHAND

AN ACT

To enact Chapter 13-D of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:4720.51 through 4720.71, and to repeal Act No. 170 of the 1968 Regular Session, as amended, and to repeal all Acts amending such Act including Act No. 299 of the 1972 Regular Session, Act Nos. 571 and 572 of the 1980 Regular Session, Act No. 155 of the 1984 Regular Session, Act Nos. 65 and 135 of the 1994 Third Extraordinary Session, Act Nos. 30 and 375 of the 1995 Regular Session, Act No. 101 of the 1997 Regular Session, and Act Nos. 266 and 968 of the 2003 Regular Session, relative to the city of New Orleans; to codify the provisions of the New Orleans Community Improvement Act; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
CLEO FIELDS

REPORT OF COMMITTEE ON

NATURAL RESOURCES

Senator Malone, Chairman on behalf of the Committee on Natural Resources, submitted the following report:

May 20, 2004

To the President and Members of the Senate:

I am directed by your Committee on Natural Resources to submit the following report:

SENATE BILL NO. 310—

BY SENATOR DUPRE

AN ACT

To amend and reenact R.S. 49:214.38, and to enact Part II-B of Chapter 2 of Title 49 of the Louisiana Revised Statutes of 1950, consisting of R.S. 49:214.52 through 214.60, inclusive, relative to coastal wetlands conservation, management, preservation, enhancement, creation and restoration; to provide relative to expropriation of property; to authorize and provide certain procedures for expropriation by declaration of taking; to provide relative to authority and procedures by the state Department of Natural Resources; to set forth certain terms, conditions, and procedures for proceedings; to provide an effective date; and to provide for related matters.

Reported with amendments

HOUSE CONCURRENT RESOLUTION NO. 62—

BY REPRESENTATIVE ODINET

A CONCURRENT RESOLUTION

To urge and request the Department of Wildlife and Fisheries and the Department of Health and Hospitals to study the correlation between nighttime water and air temperature and the development of *Vibrio vulnificus* in oysters harvested during those times.

Reported favorably

HOUSE CONCURRENT RESOLUTION NO. 65—

BY REPRESENTATIVE ODINET

A CONCURRENT RESOLUTION

To urge and request the Department of Wildlife and Fisheries to study the development and implementation of a plan for the management of nuisance fish around oyster beds.

Reported favorably

HOUSE CONCURRENT RESOLUTION NO. 80—

BY REPRESENTATIVE PIERRE

A CONCURRENT RESOLUTION

To approve the Coastal Wetlands Conservation and Restoration Plan for Fiscal Year 2004-2005, as adopted by the Wetlands Conservation and Restoration Authority.

Reported favorably

HOUSE CONCURRENT RESOLUTION NO. 115—

BY REPRESENTATIVE ODINET

A CONCURRENT RESOLUTION

To urge and request the Department of Natural Resources to provide to the Louisiana Oyster Task Force information which would delineate the projected salinity regimes for a five-year period and a three-year projection of areas that will be restricted to oyster leasing.

Reported favorably

HOUSE CONCURRENT RESOLUTION NO. 151—

BY REPRESENTATIVE FAUCHEUX

A CONCURRENT RESOLUTION

To urge and request the Wildlife and Fisheries Commission to eliminate doe days and increase buck days during certain deer

hunting seasons within the Maurepas Swamp Wildlife Management Area.

Reported with amendments

HOUSE BILL NO. 105—

BY REPRESENTATIVE SALTER

AN ACT

To amend and reenact R.S. 56:325(A)(11), relative to the taking of channel catfish; to provide relative to recreational possession limits for channel catfish caught in Toledo Bend Reservoir; and to provide for related matters.

Reported favorably

HOUSE BILL NO. 395—

BY REPRESENTATIVES ALARIO, ANSARDI, BOWLER, DAMICO, MARTINY, SHEPHERD, TOOMY, TUCKER, AND WOOTON AND SENATORS BOISSIERE, HAINKEL, HOLLIS, LENTINI, AND ULLO

AN ACT

To authorize and provide for the exchange and transfer of certain state property situated in Jefferson Parish between the Department of Culture, Recreation and Tourism and the Jefferson Parish Council; and to provide for related matters.

Reported with amendments

HOUSE BILL NO. 450—

BY REPRESENTATIVE ODINET

AN ACT

To amend and reenact R.S.56:424(E)(2) and 433(J), relative to taking oysters; to require the use of a vessel monitoring system by a person convicted of violations of the laws governing the taking of oysters; and to provide for related matters.

Reported favorably

HOUSE BILL NO. 494—

BY REPRESENTATIVE ODINET

AN ACT

To amend and reenact R.S. 3:4631(E), 40:5.3(E) and (F), and 56:449(A) and (C), relative to the National Shellfish Sanitation Program; to remove from the statutes references to the standards as adopted by the program; and to provide for related matters.

Reported favorably

HOUSE BILL NO. 606—

BY REPRESENTATIVES JACK SMITH, PIERRE, AND THOMPSON AND SENATORS B. GAUTREAUX AND MALONE

AN ACT

To amend and reenact R.S. 56:649.3(A) and 650(A)(2), relative to lifetime hunting and fishing licenses; to provide for a senior lifetime hunting and fishing license; and to provide for related matters.

Reported with amendments

HOUSE BILL NO. 620—

BY REPRESENTATIVE PIERRE

AN ACT

To enact R.S. 49:213.10(C), relative to venue; to provide for proper venue for certain actions where the state is a party; and to provide for related matters.

Reported favorably

HOUSE BILL NO. 649—

BY REPRESENTATIVE PIERRE

AN ACT

To amend and reenact R.S. 36:354(E)(2), relative to powers and duties of the secretary of the Department of Natural Resources; to authorize the training and certification of home energy raters by the office of the secretary; and to provide for related matters.

Reported favorably

HOUSE BILL NO. 650—

BY REPRESENTATIVE PIERRE

AN ACT

To repeal R.S. 49:954.2, to repeal the provisions of the Unified Oil and Gas Development Regulatory Index; and to provide relative to validity of certain actions.

Reported favorably

HOUSE BILL NO. 651—

BY REPRESENTATIVES PIERRE AND DANIEL

AN ACT

To amend and reenact R.S. 30:87(A), (B), and (F) and to repeal R.S. 30:87(G), relative to oilfield site restoration fees; to increase such fee after a certain date; and to provide for related matters.

Reported favorably

HOUSE BILL NO. 652—

BY REPRESENTATIVE PIERRE

AN ACT

To amend and reenact R.S. 30:86(E)(2), relative to the Oilfield Site Restoration Fund; to provide relative to the amount of the fund that can be used by the Department of Natural Resources for administration; and to provide for related matters.

Reported favorably

HOUSE BILL NO. 653—

BY REPRESENTATIVE PIERRE

AN ACT

To enact R.S. 56:424(H), relative to taking of oysters; to authorize the Department of Natural Resources to sample oyster leases for matters related to coastal restoration; and to provide for related matters.

Reported favorably

HOUSE BILL NO. 654—

BY REPRESENTATIVES PIERRE AND DANIEL

AN ACT

To amend and reenact R.S. 30:706, relative to fees paid for the hazardous liquid pipeline program; to provide for review and revision of the annual inspection fee; and to provide for related matters.

Reported favorably

HOUSE BILL NO. 655—

BY REPRESENTATIVES PIERRE AND DANIEL
AN ACT

To amend and reenact R.S. 30:560, relative to natural gas distribution; to provide relative to pipeline safety inspection fees; to provide relative to the amounts and imposition of such fees; and to provide for related matters.

Reported favorably

HOUSE BILL NO. 656—

BY REPRESENTATIVE PIERRE
AN ACT

To amend and reenact R.S. 30:503(12) and to enact R.S. 30:503(13) and (14), relative to the regulation of natural gas distribution; to define certain distribution systems; and to provide for related matters.

Reported favorably

HOUSE BILL NO. 669—

BY REPRESENTATIVES PIERRE AND DANIEL
AN ACT

To amend and reenact R.S. 30:93, relative to oilfield site restoration; to provide relative to sites eligible for restoration; to provide relative to recovery of restoration costs; and to provide for related matters.

Reported favorably

HOUSE BILL NO. 1266—

BY REPRESENTATIVE DAMICO
AN ACT

To amend and reenact R.S. 49:214.30(C)(2)(a) and 214.42(C) and (D), relative to coastal management; to provide relative to notification of multiple landowners of proposed activities under a coastal use permit; to provide for use of the funds in the Coastal Mitigation Account; and to provide for related matters.

Reported favorably

HOUSE BILL NO. 1338—

BY REPRESENTATIVE DAMICO
AN ACT

To amend and reenact R.S. 56:700.12(4) and (5) and 700.13(C) and to enact R.S. 56:700.13(F), relative to the Oyster Lease Damage Evaluation Board; to provide for biological surveys of oyster leases; to authorize such surveys to be conducted by the board; and to provide for related matters.

Reported favorably

HOUSE BILL NO. 1564—

BY REPRESENTATIVE SALTER
AN ACT

To authorize the transfer and sale of certain immovable improvements owned by the state and located on property in Red River Parish; and to provide for related matters.

Reported favorably

Respectfully submitted,
MAX T. MALONE

Chairman

D.A. "BUTCH" GAUTREAUX

Vice Chairman

**Senate Bills and Joint Resolutions
on Second Reading
Reported by Committees**

The following Senate Bills and Joint Resolutions reported by Committees were taken up and acted upon as follows:

SENATE BILL NO. 73—

BY SENATOR MCPHERSON

AN ACT

To enact R.S. 22:250.43(C), relative to health insurance coverage; to provide with respect to the dental patient's option to choose services regardless of insurance coverage under specific circumstances; and to provide for related matters.

Reported with amendments by the Committee on Insurance.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Insurance to Original Senate Bill No. 73 by Senator McPherson

AMENDMENT NO. 1

On page 1, line 2, between "To" and "enact" insert the following:
"amend and reenact R.S. 22:1513(C)(2)(b) and to"

AMENDMENT NO. 2

On page 1, line 2, between "22:250.43(C)" and the comma "," insert the following: "and 250.48"

AMENDMENT NO. 3

On page 1, line 4, after "circumstances;" insert the following:
"to provide an exception to notice and billing requirements imposed on certain health insurers under certain circumstances; to provide for payment of services to dental providers by insurers;"

AMENDMENT NO. 4

On page 1, line 6, after "Section 1." delete the remainder of the line and insert in lieu thereof the following:
"R.S. 22:1513(C)(2)(b) is hereby amended and reenacted and R.S. 22:250.43(C) and 250.48 are hereby enacted to read as follows:"

AMENDMENT NO. 5

On page 1, below line 14, add the following:
"\$250.48. Exception

R.S. 22:250.48 is all proposed new law.

Regardless of health insurance coverage or contract, the provisions of this Part shall not apply to notice or billing for any type, form, or quality of dental procedure provided the enrollee or insured agrees in writing to the charges for which he will be responsible in advance of the procedure.

* * *

§1513. Freedom of choice of dentist in health plans

* * *

C. Any health insurance policy or employee benefit plan which is delivered, renewed, issued for delivery, or otherwise contracted for

in this state, to the extent that it provides benefits for dental care expenses, shall:

	*	*	*
(2)(a)	*	*	*
	*	*	*

(b) The payment or reimbursement for a noncontracting provider dentist shall be the same as or greater than the payment or reimbursement for a contracting provider dentist; however, the health insurance policy or the employee benefit plan shall not be required to make payment or reimbursement in an amount that is greater than the amount so specified in the policy or plan or that is greater than the fee charged by the providing dentist for the dental care services rendered."

On motion of Senator Cain, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 446—
BY SENATOR JACKSON

AN ACT

To amend and reenact R.S. 46:153.3(D)(5) and to enact R.S. 46:153.3(D)(5)(f), relative to the Medicaid Drug Program; to provide for duties and responsibilities of the Medicaid Pharmaceutical and Therapeutics Committee; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Bill No. 446 by Senator Jackson

AMENDMENT NO. 1

On page 1, line 14, delete "hearing"

AMENDMENT NO. 2

On page 2, line 28, delete "clinically"

AMENDMENT NO. 3

On page 3, at the end of line 5, delete "Any changes to the preferred drug list"

AMENDMENT NO. 4

On page 3, delete line 6

AMENDMENT NO. 5

On page 3, line 20, delete "Osteoporis" and insert "Osteoporosis"

AMENDMENT NO. 6

On page 3, between lines 21 and 22, insert "(xii) Hemophilia"

AMENDMENT NO. 7

On page 3, delete lines 22 through 25

On motion of Senator McPherson, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 475—

BY SENATOR DARDENNE

AN ACT

To repeal R.S. 42:1123(13), relative to public officers and employees; to repeal provisions relative to an elected official's ability to receive certain gifts; and to provide for related matters.

Reported with amendments by the Committee on Senate and Governmental Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Senate and Governmental Affairs to Original Senate Bill No. 475 by Senator Dardenne

AMENDMENT NO. 1

On page 1, line 2, change "public officers and employees" to "the Code of Governmental Ethics"

On motion of Senator Jones, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 571—

BY SENATOR JACKSON

AN ACT

To amend and reenact R.S. 40:2532, relative to law enforcement; to provide for an exception to the release of personal information; and to provide for related matters.

Reported with amendments by the Committee on Senate and Governmental Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Senate and Governmental Affairs to Original Senate Bill No. 571 by Senator Jackson

AMENDMENT NO. 1

On page 1, at the beginning line 13, after the "B." delete the remainder of the line and delete lines 14 through 17 and insert the following: "Within twenty-four hours after a complaint is made by a citizen the date, time, location, and nature of the complaint shall become public record."

AMENDMENT NO. 2

On page 2, line 3 delete "file" and insert "name of the officer involved, the citizen making the complaint, a summary of investigatory findings and disciplinary action, demotion or dismissal and other outcome" and delete "The file shall be available in the same"

AMENDMENT NO. 3

On page 2, delete line 4 and insert the following:

"Each law enforcement agency shall prepare an annual compilation of all internal investigations of law enforcement officer resultant from a citizen complaint. Such report should include the

date, the time, the nature of complaint, the name of officer involved and any disciplinary action taken including but not limited to dismissal or demotion."

On motion of Senator Jones, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 579—
BY SENATOR JONES

AN ACT

To enact R.S. 44:22, relative to public records; to exempt certain records pertaining to negotiations relative to economic development activities from the laws relative to public records until negotiations are concluded; to provide for certain determinations by a custodian; to exempt certain trade secrets or proprietary, commercial, or financial information from the laws relative to public records; and to provide for related matters.

Reported with amendments by the Committee on Senate and Governmental Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Senate and Governmental Affairs to Original Senate Bill No. 579 by Senator Jones

AMENDMENT NO. 1

On page 1, line 2 after "certain records" insert "in the custody of the Department of Economic Development"

AMENDMENT NO. 2

On page 1, delete lines 5 and 6 and insert "by the secretary of the Department of Economic Development; to provide for notice; to delete certain types of information from the exemption; to provide relative to the effectiveness; and to provide for"

AMENDMENT NO. 3

On page 1, at the beginning of line 12, before "Notwithstanding" insert "A."

AMENDMENT NO. 4

On page 1, at the end of line 12, after "records" insert "in the custody of the Department of Economic Development"

AMENDMENT NO. 5

On page 1, line 15, after "33, if" delete "in" and at the beginning of line 16, delete "the determination of the custodian" and insert the following: "the person requests such confidentiality in writing detailing the reasons such person requests confidentiality and asserting that the negotiation is conditioned in whole or in part on the maintenance of such confidentiality, and the secretary of the Department of Economic Development determines that"

AMENDMENT NO. 6

On page 1, line 17, after "negotiation." insert the following: "Each determination by the secretary shall include his reasons for such determination. The secretary shall publish in the official journal of the state a notice containing general information regarding each negotiation to which records are confidential pursuant to this Section,

no later than ten days after the determination of confidentiality. Such notice shall include the date of the secretary's determination. Records of expenses of the department pertaining to the negotiation shall be public and subject to review, except that the secretary may redact information that he determines would identify or lead to the identification of the person with whom the department is negotiating and such information shall be confidential until the negotiations are concluded."

AMENDMENT NO. 7

On page 2, line 1, after "negotiation," insert "all" and after "Chapter" delete ";" insert "." and delete the remainder of line and delete lines 2 through 4 and insert the following:

"B. No information made confidential pursuant to Subsection A of this Section shall remain confidential for more than twelve months from the date of the secretary's determination of confidentiality; however, if the negotiation remains active and the secretary makes a new determination that the disclosure of the information would be detrimental to the negotiations and gives notice as provided in Subsection A of this Section, such information shall remain confidential while the negotiation remains active, not to exceed an additional twelve months. Under no circumstances shall information made confidential pursuant to this Section remain confidential for more than twenty-four months from the date of the initial determination of the secretary.

C. For the purposes of this Section, "active negotiation" or "negotiation remains active" shall mean a negotiation which has commenced when the Department of Economic Development provides a response to a request for information or other similar document from a person who is requesting assistance in the retention, expansion, or location of a business in this state and which is not concluded. For the purposes of this Section, a negotiation is no longer active or is concluded when the Department of Economic Development decides to no longer actively pursue the retention, expansion, or location of such business in this state; when the person with whom the department was negotiating decides not to pursue the retention, expansion, or location of such business in this state; or when a proposal affecting the negotiation is submitted to a public body for consideration by the public body in a public meeting, whichever occurs earlier.

D. The provisions of Subsection A of this Section shall not apply to any application for a license or permit or to any record of negotiations concerning any hazardous waste or waste site, as "hazardous waste" and "waste" are defined in R.S 30: 2173.

E. The provisions of this Section shall have no effect unless the party whose information is being maintained confidential maintains as confidential any information provided to the party by the Department of Economic Development in response to a request for assistance in the retention, expansion, or location of a business in the state and which is a negotiation and which remains an active negotiation.

F. The provisions of this Section shall be void and have no effect beginning with any negotiations that begin on or after July 1, 2008."

AMENDMENT NO. 8

On page 2, line 9 after "approval" delete remainder of line and insert "."

On motion of Senator Jones, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 607—
BY SENATOR CHAISSON

AN ACT

To enact R.S. 37:930(G), relative to health care providers; to provide with respect to the authority to administer anesthetic to persons; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Bill No. 607 by Senator Chaisson

AMENDMENT NO. 1

On page 1, line 2, after "providers;" and before "to provide" insert "to provide with respect to legislative findings and intent;"

AMENDMENT NO. 2

On page 1, line 9, after "G." and before "No health care" insert the following:

"(1) The Legislature of Louisiana hereby finds that:

(a) Certified Registered Nurse Anesthetists (CRNAs) have been selecting and administering anesthesia in Louisiana and the United States for over one hundred years.

(b) The specialty of nurse anesthesia was established in the late 1800's as the first clinical nursing specialty.

(c) Nursing took the lead in formalizing anesthesia practice as a specialty and in providing for specialty education and credentialing in anesthesia practice. During World War I, nurse anesthetists trained both physicians and nurses to provide anesthesia services both at home and abroad.

(d) Nurse anesthetists alone provided the overwhelming majority of anesthetics up until World War II.

(e) Nurse anesthetists receive rigorous clinical and academic training, requiring a bachelor's degree from an accredited school of nursing and one year of professional nursing experience in an acute care setting prior to being considered for entrance to an accredited twenty-four to thirty-six month nurse anesthesia educational program.

(f) CRNA's administer the majority of anesthetics in Louisiana, and all of the anesthetics in many parts of the state.

(g) Multiple studies have demonstrated that CRNA's are safe, accessible and cost-effective providers of anesthetics.

(h) CRNA's are critical providers of quality anesthesia services in the health care delivery system in this state.

(i) An adequate supply of CRNA's in Louisiana is vital to continued access to safe, cost-effective health care for the citizens of Louisiana.

(j) Anesthesiologist assistants (AA's) are not presently authorized to train or practice in Louisiana and are only recognized in eight states.

(k) Less than six hundred AA's exist in the United States while over thirty thousand CRNA's are licensed and authorized to practice in every state in the United States;

(l) CRNA's receive a much higher level of education and training than do AA's.

(m) After thirty years of existence, only two AA schools exist in the United States while there are ninety-nine CRNA schools.

(n) CRNA's are trained and legally authorized to administer all types of anesthetics in all settings while AA's are limited by the type

of anesthetics they can administer and the settings in which they are authorized to perform their services.

(2) It is hereby declared that CRNA's are an essential provider of safe, accessible and cost-effective anesthesia care to the citizens of Louisiana. It is further declared that a sufficient supply of CRNA's in Louisiana is affected with the public interest. It is hereby declared to be the legislative intent to encourage a sufficient, on-going supply of CRNA's in this state and to discourage the creation and authorization of providers of anesthesia not otherwise presently trained and licensed to provide anesthesia. Specifically, it is the intent of the legislature to prevent the introduction of anesthesiologist assistants (AA's) into Louisiana until such time that AA's are deemed to be a viable provider of anesthesia. The purpose of this Act is to carry out that policy in the public interest, providing for the repeal of any provision that provides otherwise."

AMENDMENT NO. 3

On page 1, line 9, change "G" to "(3)" and on page 1, line 10, after "physician" delete the remainder of the line and insert ", dentist, perfusionist, or other explicitly authorized provider shall select or administer any form of"

On motion of Senator McPherson, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 611—
BY SENATOR JACKSON

AN ACT

To enact R.S. 44:3(I) and (J), relative to public records; to provide for open records of law enforcement in certain cases; and to provide for related matters.

Reported with amendments by the Committee on Senate and Governmental Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Senate and Governmental Affairs to Original Senate Bill No. 611 by Senator Jackson

AMENDMENT NO. 1

On page 1, at the beginning line 10, after the "I." delete the remainder of the line and delete lines 11 through 13 and insert the following:

"Within twenty-four hours after a complaint is made by a citizen the date, time, location, and nature of the complaint shall become public record."

AMENDMENT NO. 2

On page 1, line 16 delete "file" and insert "name of the officer involved, the citizen making the complaint, a summary of investigatory findings and disciplinary action, demotion or dismissal and other outcome" and delete "The file shall be available in the same"

AMENDMENT NO. 3

On page 1, delete line 17 in its entirety

On motion of Senator Jones, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 689—
BY SENATOR JACKSON

AN ACT

To amend and reenact R.S. 46:153.3(B)(2)(b) and to enact R.S. 46:153.3(B)(2)(a)(vi) and 153.3(B)(2)(e)(i) and (ii), relative to the medical assistance drug program; to provide for the utilization of a prior approval process and criteria related thereto; to provide for rulemaking; to provide for an annual report to the legislature and governor; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Bill No. 689 by Senator Jackson

AMENDMENT NO. 1

On page 1, line 15, delete "formulary" and insert "~~formulary~~ **list**"

AMENDMENT NO. 2

On page 2, delete lines 3 through 5

AMENDMENT NO. 3

On page 2, at the end of line 6, delete "~~through a~~" and at the beginning of line 7, delete "**public request for proposal process**"

AMENDMENT NO. 4

On page 2, line 8, after "**drug list**" delete the remainder of the line and insert "with a Louisiana school of medicine, a Louisiana school of"

AMENDMENT NO. 5

On page 2, at the end of line 10, after "appropriate." insert "**The department may, at the expiration of any current contractual obligation, enter into contractual arrangements through a public request for proposal process to perform the development of the preferred drug list.**"

On motion of Senator McPherson, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 774—
BY SENATOR HOLLIS

AN ACT

To amend and reenact R.S. 34:29, relative to the Port of New Orleans; to increase the total bonded indebtedness of the Board of Commissioners of the Port of New Orleans; and to provide for related matters.

Reported with amendments by the Committee on Commerce, Consumer Protection and International Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Commerce, Consumer Protection and International Affairs to Original Senate Bill No. 774 by Senator Hollis

AMENDMENT NO. 1

On page 1, line 2 after "R.S. 34:29" delete the remainder of the line and delete line 3 in its entirety and insert the following:

"(A)(introductory paragraph), (1), (D), and (E), to enact R.S. 34:29(J), and to repeal R.S. 34:29(B), relative to the Port of New Orleans; to provide relative to the port's borrowing power and debt limitation; to remove certain limitations; to provide for the port's authority to continue the issuance of bonds and other obligations; and"

AMENDMENT NO. 2

On page 1, line 7 after "R.S. 34:29" delete the remainder of the line and insert "(A)(introductory paragraph), (1), (D), and (E) is hereby amended and reenact and R.S. 34:29(J) are hereby enacted to read as follows:"

AMENDMENT NO. 3

On page 1, line 10 after "notes and bonds" insert "**pursuant to the provisions of this Section and**"

AMENDMENT NO. 4

On page 1, line 11 after "conditions" delete "and not otherwise"

AMENDMENT NO. 5

On page 1, line 14 after "year," delete the remainder of the line and on line 15 delete "outstanding,"

AMENDMENT NO. 6

On page 2, delete lines 1 through 28 and insert the following:
" * * *

AMENDMENT NO. 7

On page 3, line 3 after "date," insert "**and**"

AMENDMENT NO. 8

On page 3, line 4 after "practicable" delete the remainder of the line and on line 5 delete "or the nearest multiple thereof"

AMENDMENT NO. 9

On page 3, line 13 after "bonds" insert "**issued hereunder**"

AMENDMENT NO. 10

On page 3, line 14 after "39:1424" delete ",39:1425" and insert "**or 1425**"

AMENDMENT NO. 11

On page 3, at the end of line 15 after "semiannually" insert a period "." and delete lines 16 through 29 and on page 4 delete lines 1 through 21 and insert the following:
" * * *

R.S. 39:29(J) is all proposed new law.

J. Nothing contained in this Section shall be construed to limit the powers of the board of commissioners of the Port of New Orleans under any other provision of law to issue bonds or other obligations.

Section 2. R.S. 34:29(B) is hereby repealed."

On motion of Senator Hollis, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 808—
BY SENATOR HINES

AN ACT

To enact R.S. 40:1300.143(3)(d), relative to the rural hospital preservation act; to require certification by the Rural Hospital Coalition, Inc., as a prerequisite to being designated as a rural hospital; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Bill No. 808 by Senator Hines

AMENDMENT NO. 1

On page 1, line 13, after "disproportionate share funds" insert "contingent upon Centers for Medicare and Medicaid Services approval"

AMENDMENT NO. 2

On page 1, line 14, after "and" and before "has been" insert "it"

On motion of Senator McPherson, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 819—
BY SENATOR MARIONNEAUX

AN ACT

To enact R.S. 51:922.1, relative to the department of economic development; to require any person, firm, or corporation receiving direct equity investment from the state to post a bond or other security; to allow the department to promulgate rules and regulations; and to provide for related matters.

Reported favorably by the Committee on Commerce, Consumer Protection and International Affairs. On motion of Senator Hollis, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 828—
BY SENATOR HOLDEN

AN ACT

To enact R.S. 28:381(48), (49), (50), and (51) and Part VII of Chapter 4 of Title 28 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 28:450 through 453, relative to the compensation of community direct service workers; to provide for a study request on the elimination of the disparity between the compensation of those workers and comparable workers; to provide for definitions, rules, and administration; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Bill No. 828 by Senator Holden

AMENDMENT NO. 1

On page 2, line 18, delete "September 1, 2004" and insert "January 1, 2005"

AMENDMENT NO. 2

On page 2, line 20, after "providers" insert "that would be"

AMENDMENT NO. 3

On page 2, at the end of line 24, insert "The department shall involve in this study both providers and direct service workers."

AMENDMENT NO. 4

On page 2, delete lines 26 through 29 and insert "services providers that would remove any disparity through a five-year plan. The department shall report their findings to the Senate and House committees on health and welfare."

AMENDMENT NO. 5

On page 3, delete lines 1 through 15

On motion of Senator McPherson, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 843—
BY SENATOR AMEDEE

AN ACT

To amend and reenact R.S. 46:285(A)(2) and to enact R.S. 46:285(A)(6), relative to child protection and foster care workers; to provide that such workers shall be trained in specific legal provision; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Bill No. 843 by Senator Amedee

AMENDMENT NO. 1

On page 2, line 1, after "to protect the" delete "legal" and insert "constitutional and statutory"

On motion of Senator McPherson, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 845—
BY SENATORS FONTENOT AND NEVERS
AN ACT

To amend and reenact R.S. 51:2453(4) and 2454(C)(1), to enact R.S. 51:2453(6) and 2460(C) and (D), and to repeal R.S. 51:2454(C)(2), relative to the Louisiana Quality Jobs Programs Act; to expand the definition of "new direct job" to include employees of a facility management contractor in certain instances; to provide for definitions; to provide for penalties; and to provide for related matters.

Reported with amendments by the Committee on Commerce, Consumer Protection and International Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Commerce, Consumer Protection and International Affairs to Original Senate Bill No. 845 by Senator Fontenot

AMENDMENT NO. 1

On page 1, line 2 after "51:2453(4)" insert "and to enact R.S. 51:2453(6) and 2460(C) and (D)"

AMENDMENT NO. 2

On page 1, line 3 after "include" delete the remainder of the line and insert "employees of a facility management contractor in certain instances; to provide for definitions; to provide for penalties; and"

AMENDMENT NO. 3

On page 1, line 6 after "reenacted" insert "and R.S. 51:2453(6) and 2460(C) and (D) are hereby enacted"

AMENDMENT NO. 4

On page 2, line 5 after "include" delete the remainder of the line and insert "new employment created by a company who has a facility management contract with"

AMENDMENT NO. 5

On page 2, line 8 delete "contractor" and insert "facility management contract"

AMENDMENT NO. 6

On page 2, line 9 change "Paragraph (1)" to "Paragraphs (1) and (3)"

AMENDMENT NO. 7

On page 2, line 9 after "Section and" delete "is not" and insert "the company is not in"

AMENDMENT NO. 8

On page 2, line 10 after "industry" delete the remainder of the line and insert "as provided in those Paragraphs."

AMENDMENT NO. 9

On page 2, line 11 delete "contractor's" and insert "facility management contract provides that the company's"

AMENDMENT NO. 10

On page 2, line 13, delete "contractor's employees are performing" and insert "new direct jobs of the company are only counted as new direct jobs for the employer if the company's employees associated with the facility management contract are performing the substantial portion of the"

AMENDMENT NO. 11

On page 2, line 15 delete "contractor" and insert "company with the facility management contract"

AMENDMENT NO. 12

On page 2, at the end of line 17 insert the following:

"In addition, in determining the new direct jobs, the department shall certify that the employer and the facility management contractor has a combined net increase in employment and payroll at the facility for the new jobs.

(v) The employer is classified as a manufacturer as specified by R.S. 51:2453(1)(b)(ii)."

AMENDMENT NO. 13

On page 2, line 18 change "(v)" to "(vi)" and change "contractor" to "company"

AMENDMENT NO. 14

On page 2, line 19 after "employer" delete "is entitled to" and insert "shall"

AMENDMENT NO. 15

On page 2, at the end of line 19 delete "not less" and at the beginning of line 20 delete "than eighty" and insert "one hundred"

AMENDMENT NO. 16

On page 2, line 21 after "the inclusion of the" delete the remainder of the line and insert the following: "company's employees, the term of the facility management contract is not less than the time remaining on the employer's contract with the Department of Economic Development, and the company agrees to provide"

AMENDMENT NO. 17

On page 2, between lines 23 and 24 insert the following: "(vii) The employer shall not be eligible to receive a rebate for employment attributed to more than one facility management for each of the employer's manufacturing facilities.

(viii) The provisions of R.S. 51:2453(4)(b) shall be effective until August 15, 2006. However, an employer which, prior to August 15, 2006, has been approved by the department to receive incentive tax credits under the provisions of R.S. 51:2453(4)(b) shall continue to receive tax credits pursuant to the terms of its agreement with the state of Louisiana as long as the employer retains its eligibility."

AMENDMENT NO. 18

On page 2, after line 28 insert the following:

"R.S. 51:2453(6) is all proposed new law.

(6) "Facility management contract" shall mean a contract between an employer and a manufacturing company whereby the company agrees to operate all or part of the employer's manufacturing facility, provided that the employees of the company with the facility management contract represent at least seventy-five percent of the employees working at the employer's facility and are directly responsible for producing the manufactured goods.

* * *

§2460. False or fraudulent information in making application, claim for rebate, or other instrument; penalties

* * *

R.S. 51:2460(C) is all proposed new law.

C.(1) In addition to the penalties provided in Subsection B of this Section, an employer convicted of a violation of this Section shall not receive any further rebates pursuant to this Chapter.

(2)(a) An employer who negligently provides false information or violates any provision of this Chapter for which a specific penalty is not provided may be subject to a civil fine equivalent to any rebate

erroneously obtained or may not be eligible for any further rebates pursuant to this Chapter.

(b) The department shall have the authority to conduct hearings, as necessary, in accordance with the Administrative Procedure Act, to assess civil fines and penalties as authorized by this Paragraph.

R.S. 51:2460(D) is all proposed new law.

D. Any company with a facility management contract whose employees are included in an employer's application shall be held to the same standard and subject to the same penalties as an employer for purposes of this Chapter."

On motion of Senator Hollis, the committee amendment was adopted. The amended bill was read by title, ordered engrossed and recommitted to the Committee on Revenue and Fiscal Affairs.

SENATE BILL NO. 858—

BY SENATORS KOSTELKA AND MICHOT AND REPRESENTATIVE WALSWORTH

AN ACT

To enact R.S. 51:2453(1)(a)(i)(dd), relative to the Louisiana Quality Jobs Program; to provide for participation in the program for certain small Vision 2020 cluster businesses; and to provide for related matters.

Reported with amendments by the Committee on Commerce, Consumer Protection and International Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Commerce, Consumer Protection and International Affairs to Original Senate Bill No. 858 by Senator Kostelka

AMENDMENT NO. 1

On page 2, line 6 delete "meets the qualifications contained" and insert "is classified in one of the Vision 2020 cluster industries as specified"

AMENDMENT NO. 2

On page 2, line 9 change "twenty-five" to "fifty"

AMENDMENT NO. 3

On page 2, after line 18 insert the following:

"Section 2. The provisions of this Act shall become effective on July 1, 2005."

AMENDMENT NO. 4

On page 2, line 3, after "(dd)" delete "(I)"

AMENDMENT NO. 5

On page 2, delete lines 13 through 17

On motion of Senator Hollis, the committee amendment was adopted. The amended bill was read by title, ordered engrossed and recommitted to the Committee on Revenue and Fiscal Affairs.

**Senate Bills and Joint Resolutions
on Second Reading**

The following Senate Bills and Joint Resolutions were taken up and acted upon as follows:

SENATE BILL NO. 873 (Substitute for Senate Bill No. 782 by Senator Lentini)—

BY SENATOR LENTINI

AN ACT

To enact Part XIX of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1299.36 through 1299.36.7, and R.S. 37:1285(A)(32), all relative to human cloning; to provide for definitions; to prohibit the expenditure of state funds for the purpose of human cloning; to provide for penalties; and to provide for related matters.

On motion of Senator Lentini, the bill was read by title and ordered engrossed and passed to a third reading.

**House Bills and Joint Resolutions
on Second Reading
Reported by Committees**

The following House Bills and Joint Resolutions reported by Committees were taken up and acted upon as follows:

HOUSE BILL NO. 178—

BY REPRESENTATIVE MURRAY

AN ACT

To amend and reenact R.S. 18:423(C), relative to the composition of parish boards of election supervisors; to remove provisions relative to the membership of the parish board of election supervisors in a particular parish; to provide for similar membership in all parish boards of election supervisors; and to provide for related matters.

Reported favorably by the Committee on Senate and Governmental Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 189—

BY REPRESENTATIVES WINSTON, KATZ, LABRUZZO, WADDELL AND BRUCE AND SENATOR BAJOE

AN ACT

To enact R.S. 45:844.12(4)(i) and (j), relative to telephone solicitation; to exempt calls from optometrists, dentists, and chiropractic physicians to their patients from definition of solicitation; to exempt calls from veterinarians to their clients from definition of solicitation; and to provide for related matters.

Reported favorably by the Committee on Commerce, Consumer Protection and International Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 217—

BY REPRESENTATIVES MARTINY AND DAMICO AND SENATORS BOISSIERE AND ULLO

AN ACT

To enact R.S. 44:4(40), relative to records of public bodies; to exempt certain records pertaining to security systems and features, interior layouts of residences, and certain proprietary information submitted to obtain individual building permits from public records laws; and to provide for related matters.

Reported favorably by the Committee on Senate and Governmental Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 344—

BY REPRESENTATIVE K. CARTER

AN ACT

To amend and reenact R.S. 22:215(A)(3)(introductory paragraph) and (g), 244, 245(A), and 246(introductory paragraph), (1), (4), (5), (6), and (7) and to enact R.S. 22:215(A)(3)(h), 246(10) and (11), and 246.1, relative to health insurance; to provide with respect to pilot health insurance programs established by the Department of Insurance, including LaChoice; to provide for criteria for such pilot programs; and to provide for related matters.

Reported favorably by the Committee on Insurance. The bill was read by title and recommitted to the Committee on Finance.

HOUSE BILL NO. 409—

BY REPRESENTATIVES DAMICO, ANSARDI, LANCASTER, MARTINY, AND TOOMY AND SENATORS BOISSIERE, LENTINI, AND ULLO

AN ACT

To enact R.S. 13:5112.1, relative to the production of documents by governmental entities; to provide relative to subpoena duces tecum; to provide for the reimbursement of costs incurred; to provide for disputes of the costs incurred; to provide for procedures; to provide for service and delays for production; to provide for a definition of "governmental entity"; to provide for applicability to the present laws of discovery and evidence; and to provide for related matters.

Reported with amendments by the Committee on Senate and Governmental Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Senate and Governmental Affairs to Reengrossed House Bill No. 409 by Representative Damico

AMENDMENT NO. 1

On page 1, line 16, after "tecum" insert "or otherwise"

AMENDMENT NO. 2

On page 2, line 17, change "shall" to "may"

On motion of Senator Jones, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 447—

BY REPRESENTATIVE PINAC

AN ACT

To amend and reenact R.S. 6:969.18(A), relative to documentation fees authorized under the Motor Vehicle Sales Finance Act; to clarify the types of persons who can properly charge documentation fees; and to provide for related matters.

Reported favorably by the Committee on Commerce, Consumer Protection and International Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 492—

BY REPRESENTATIVE WRIGHT

AN ACT

To amend and reenact R.S. 44:31(B) and 32(C)(1)(d), relative to public records; to allow persons under the age of majority to receive a copy or reproduction of a public record; and to provide for related matters.

Reported favorably by the Committee on Senate and Governmental Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 552—

BY REPRESENTATIVE PINAC

AN ACT

To amend and reenact R.S. 32:778(B) and 1254(N)(1)(d), relative to warranty and repair services on school buses; to provide that school bus warranty and repair services may be performed by certain heavy truck dealers; and to provide for related matters.

Reported with amendments by the Committee on Commerce, Consumer Protection and International Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Commerce, Consumer Protection and International Affairs to Engrossed House Bill No. 552 by Representative Pinac

AMENDMENT NO. 1

On page 1, line 2, after "(N)(1)" and before "(d)" insert "(a) and"

AMENDMENT NO. 2

On page 1, line 2, after "to" delete the remainder of the line and on line 3, delete "services on school buses;" and insert in lieu thereof "motor vehicles; to provide relative to the sale of speciality vehicles;"

AMENDMENT NO. 3

On page 1, line 6, after "(N)(1)" and before "(d)" insert "(a) and"

AMENDMENT NO. 4

On page 2, delete lines 9 and 10 in their entirety and insert the following:

"(1)(a)(i) Any person, firm, association, corporation, or trust engaging in business as, or serving or acting as a motor vehicle dealer, speciality vehicle dealer, used motor vehicle dealer, motor vehicle lessor, motor vehicle lessor franchisor, broker, lease facilitator, satellite warranty and repair center, or motor vehicle salesman/agent,

or manufacturer, converter, distributor, or wholesaler of motor vehicles, or factory branch, distributor branch, or factory representative or distributor representative, as such, in this state must first obtain a license therefor as provided in this Chapter, regardless of whether or not said person, firm, association, corporation, or trust maintains or has a place or places of business in this state.

(ii) However, any such person, firm, association, corporation, or trust engaging in business as, or serving or acting as a speciality vehicle dealer, or as a converter selling such speciality vehicles in the state, shall operate from a specific location in the state of Louisiana. Such location shall comply with the requirements of Paragraph (3) of Subsection C of this Section and Paragraph (2) of this Subsection. The provisions of this Item shall not apply to persons, firms, associations, corporations, or trusts engaging in the sale of those speciality vehicles specifically designed for the collection of trash and yard waste, including but not limited to garbage trucks, school buses, and wreckers."

On motion of Senator Hollis, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 553—

BY REPRESENTATIVE PINAC

AN ACT

To amend and reenact R.S. 32:1252(10) and 1254(N)(1)(a) and to enact R.S. 32:1254.1(D), relative to motor vehicles; to revise the definition of "franchise"; to provide for the effect of enactments and rules on licensees; to provide relative to warranty and sales incentive audits; and to provide for related matters.

Reported favorably by the Committee on Commerce, Consumer Protection and International Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 608—

BY REPRESENTATIVES JACK SMITH AND PIERRE

AN ACT

To repeal Chapter 5 of Title 56 of the Louisiana Revised Statutes of 1950, comprised of R.S. 56:1621 through 1623, relative to employees of the Wildlife and Fisheries Commission; to repeal the prohibition on exploitation of natural resources by such employees; and to provide for related matters.

Reported favorably by the Committee on Senate and Governmental Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 699—

BY REPRESENTATIVE DURAND

AN ACT

To enact R.S. 13:3715.1(B)(6), relative to medical or hospital records; to provide for records related to substance or alcohol abuse, education, training, treatment, rehabilitation, or research; and to provide for related matters.

Reported favorably by the Committee on Health and Welfare. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 878—

BY REPRESENTATIVE DURAND

AN ACT

To enact R.S. 46:56(B)(3), relative to client case records; to provide for the Department of Social Services' authorization to share access; and to provide for related matters.

Reported favorably by the Committee on Health and Welfare. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 986—

BY REPRESENTATIVE HEBERT

AN ACT

To amend and reenact R.S. 22:250.2(E)(2)(b) and (c), 250.11(E), and 250.15(A) and to enact R.S. 22:250.4(F), relative to standards for health benefits for mothers and newborns; to provide with respect to coverage of a newborn child; and to provide for related matters.

Reported favorably by the Committee on Insurance. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1160—

BY REPRESENTATIVE ALARIO

AN ACT

To enact R.S. 33:423.14 and 2569, relative to the police department in certain municipalities; to provide that the position of assistant police chief shall be in the unclassified service; to provide for the appointment and duties of such person; and to provide for related matters.

Reported favorably by the Committee on Senate and Governmental Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1211—

BY REPRESENTATIVE SHEPHERD

AN ACT

To amend and reenact R.S. 22:215.14(A) and to enact R.S. 22:215.14(E), relative to health insurance; to provide that coverage of childhood immunizations shall not be subject to any deductible; and to provide for related matters.

Reported with amendments by the Committee on Insurance.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Insurance to Original House Bill No. 1211 by Representative Shepherd

AMENDMENT NO. 1

On page 1, line 20, after "amount." insert "The provision in this Subsection shall apply to any new policy, contract, program or plan issued on or after January 1, 2005. Any policy, contract, or plan in effect prior to January 1, 2005 shall convert to conform to the

provision of this Subsection on or before the renewal date thereof but in no event later than January 1, 2006."

On motion of Senator Cain, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1228—

BY REPRESENTATIVE DURAND
AN ACT

To amend and reenact R.S. 40:1232.6(introductory paragraph) and 1300.51(3) and (5) and R.S. 44:9(F) and (G) and to enact R.S. 40:1300.51(2)(h), relative to emergency medical personnel; to provide grounds for disciplinary proceedings; to modify definitions; to provide for records of violations of municipal ordinances and of state statutes classified as a misdemeanor or felony; and to provide for related matters.

Reported favorably by the Committee on Health and Welfare. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1253—

BY REPRESENTATIVES PINAC, CROWE, DOERGE, FLAVIN, FRITH, JACKSON, MARCHAND, H. POWELL, RITCHIE, SHEPHERD, GARY SMITH, STRAIN, TRAHAN, WADDELL, WHITE, AND WINSTON

AN ACT

To enact R.S. 32:1254(N)(3)(k), relative to motor vehicle dealer disclosure; to provide relative to dealer participation in finance charges; and to provide for related matters.

Reported favorably by the Committee on Commerce, Consumer Protection and International Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1285—

BY REPRESENTATIVES JEFFERSON, BROOME, BURNS, CURTIS, GLOVER, GRAY, E. GUILLORY, M. GUILLORY, LABRUZZO, MCDONALD, AND STRAIN

AN ACT

To amend and reenact R.S. 40:1299.1(B), relative to testing of newborns; to require the Department of Health and Hospitals to increase the number of tests required on newborns; and to provide for related matters.

Reported favorably by the Committee on Health and Welfare. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1388—

BY REPRESENTATIVES ALARIO AND SALTER AND SENATORS HEITMEIER AND HINES

AN ACT

To amend and reenact R.S. 42:455(A)(2)(b), relative to payroll deductions; to provide payroll deductions for certain domestic companies; to provide for an effective date; and to provide for related matters.

Reported favorably by the Committee on Senate and Governmental Affairs. Under the provisions of Joint Rule No. 3 of

the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1439—

BY REPRESENTATIVES DOWNS AND SALTER
AN ACT

To amend and reenact R.S. 22:1194.2(A), relative to the Louisiana Consortium of Insurance and Financial Services; to provide for appointment of board members; to provide for legislative appointments; and to provide for related matters.

Reported favorably by the Committee on Insurance. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1501—

BY REPRESENTATIVE ALARIO
AN ACT

To enact R.S. 33:4712.10, relative to naming an administrative building; to authorize the parish governing authority in certain parishes to name an administrative building in honor of a former parish president; to provide limitations; and to provide for related matters.

Reported favorably by the Committee on Senate and Governmental Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1512—

BY REPRESENTATIVE ALARIO
AN ACT

To enact R.S. 33:4712.10, relative to naming an entryway or entry plaza to parish administrative buildings; to authorize the parish governing authority in certain parishes to name a common entryway or plaza for parish administrative buildings in honor of a former parish councilman; to provide limitations; and to provide for related matters.

Reported favorably by the Committee on Senate and Governmental Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1543—

BY REPRESENTATIVE BRUNEAU
AN ACT

To amend and reenact R.S. 40:1236.13(A)(3)(a) and 1236.14, relative to automated external defibrillators; to authorize the use of automated external defibrillators by private security personnel; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Engrossed House Bill No. 1543 by Representative Bruneau

AMENDMENT NO. 1

On page 1, line 16, after "of an AED" delete "by the American Heart Association or by" and insert "from" and after "any" delete "other"

On motion of Senator McPherson, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1557—

BY REPRESENTATIVE MARCHAND
AN ACT

To enact R.S. 51:1423, relative to unfair or deceptive acts or practices; to provide for boilers at commercial laundromats; to provide for minimum water temperature for hot water in washing machines at commercial laundromats; to provide for enforcement; to provide for rules and regulations; and to provide for related matters.

Reported with amendments by the Committee on Commerce, Consumer Protection and International Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Commerce, Consumer Protection and International Affairs to Reengrossed House Bill No. 1557 by Representative Marchand

AMENDMENT NO. 1

On page 2, delete line 6 in its entirety and insert in lieu thereof: "notices of noncompliance, provide for an administrative hearing process, and provide for the assessment of fines. At a"

On motion of Senator Hollis, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1640—

BY REPRESENTATIVE JACK SMITH
AN ACT

To amend and reenact R.S. 42:1123(22)(a), relative to exceptions from ethics laws for elected officials of certain municipalities to enter into certain transactions; to provide for a mayor or member of a governing authority of certain municipalities to enter into certain transactions; to increase the population size of the municipalities included in the exception; and to provide for related matters.

Reported favorably by the Committee on Senate and Governmental Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

Special Order of the Day

The following Senate Bill on Third Reading and Final Passage, which was made Special Order of the Day No. 1, was taken up and acted upon as follows:

SENATE BILL NO. 472—

BY SENATOR DARDENNE

AN ACT

To enact Chapter 59 of Title 37 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 37:3611 through 3617, and to repeal Chapter 6 of Title 34 of the Louisiana Revised Statutes of 1950, comprised of R.S. 34:941 through 1127, and R.S. 42:1119(C)(3), relative to marine pilots; to create the Louisiana River Pilot Commission; to provide for laws regulating such occupation; and to provide for related matters.

Floor Amendments Sent Up

Senator Dardenne sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Dardenne to Engrossed Senate Bill No. 472 by Senator Dardenne

AMENDMENT NO. 1

On page 4, line 20, at the beginning of the line, change "Administration" to "Administrative"

On motion of Senator Dardenne, the amendments were adopted.

Floor Amendments Sent Up

Senator Dardenne sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senators Dardenne and Boasso to Engrossed Senate Bill No. 472 by Senator Dardenne

AMENDMENT NO. 1

On page 1, line 3, change "3617" to "3625" and between "repeal" and "Chapter" insert "Part V of"

AMENDMENT NO. 2

On page 1, line 4, change "941" to "1121"

AMENDMENT NO. 3

On page 1, line 6 change "Commission" to "Fee Commission and the Board of Louisiana River Pilot Review and Oversight"

AMENDMENT NO. 4

On page 1, line 10, change "3617" to "3625"

AMENDMENT NO. 5

On page 1, delete lines 11 through 17, delete pages 2 through 6 in their entirety, and on page 7, delete lines 1 through 10 and insert the following:

"CHAPTER 59. LOUISIANA RIVER PILOTS

Chapter 59 is all proposed new law.

PART I. LOUISIANA RIVER PILOT FEE COMMISSION

Part I is all proposed new law.

§3611. Legislative purpose

R.S. 37:3611 is all proposed new law.

It is the intent of the Legislature of Louisiana and the purpose of this Part to provide a comprehensive statewide policy to unify, coordinate, and implement pilotage regulatory programs in the best interest of the state; to provide an equal opportunity to each qualified citizen of the state, regardless of sex, race, creed, or national origin; to provide for enhanced qualifications of those persons licensed as pilots; and to thereby provide for an open, fair, safe, efficient, and economically viable system of pilotage.

§3612. Louisiana River Pilot Fee Commission; creation; membership

R.S. 37:3612 is all proposed new law.

A. There is hereby created a commission known as the "Louisiana River Pilot Fee Commission," hereinafter referred to as the "commission," within the office of the governor.

B. The commission shall be composed of eleven members appointed by the governor, all of whom shall be citizens, residents of the state, and possess a general knowledge of the marine industry or possess a legal, an accounting, or a business background. Vacancies occurring on the commission shall be filled in the same manner as the original appointment and from the same source for the remainder of the original term. The commission shall be domiciled in Baton Rouge.

C. The governor shall appoint the members as follows:

(1) Four representatives of the pilots from a list of nominees, submitted from the Louisiana Pilots Association and which list shall be representative of pilots from each of the ports regulated by this Section.

(2) Four representatives of the interest of the steamship industry from a list of nominees, submitted jointly by the New Orleans Steamship Association, the Mississippi River Maritime Association, the Lake Charles Maritime Association, and the International Freight Forwarders and Custom Brokers Association of New Orleans.

(3) Three at-large members.

D. The appointments shall be subject to confirmation by the Senate. The governor shall make appointments within thirty days of the expiration of a term of office or the occurrence of a vacancy in office. A member may be removed only for good cause shown.

E.(1) The terms of the initial members shall be as follows: three members shall be appointed for a term of two years; four members shall be appointed for a term of three years; and four members shall be appointed for a term of four years, as designated by the governor.

(2) At the expiration of the term of each member and of each succeeding member, the governor shall appoint a successor who shall serve for a term of six years using the selection process as provided for in Subsection C of this Section.

F. The members of the commission shall receive fifty dollars per diem while executing their duties as commission members.

G. A member who fails to attend two consecutive quarterly meetings of the commission, without good cause shown in the minutes of the commission meetings, shall be deemed to have vacated his office as a member.

§3613. Louisiana River Pilot Fee Commission; meetings; quorum, powers; duties; functions and responsibilities

R.S. 37:3613 is all proposed new law.

A. Effective January 1, 2005, the Louisiana River Pilot Fee Commission shall be responsible for the administration, implementation, and enforcement of the provisions of this Part, including, but not limited to, the following:

(1) Set, approve, or disapprove fees and rates for each pilotage area.

(2) Set the number of pilots. However, if the number of pilots set under this Section is fewer than the number of commissioned pilots on the effective date of this Section, any reduction in the number of pilots shall be accomplished only through attrition.

B. The commission shall meet regularly each calendar quarter at such time and place as it may determine. The commission may meet at such other times as it deems appropriate. Six members of the commission shall constitute a quorum.

C. The commission shall have the power to sue and be sued in its official name as an agency of the state.

D. The commission shall maintain or cause to be maintained all records as required by, and subject to, the Public Records Law.

E. Meetings of the commission shall be subject to the Open Meetings Law.

F.(1) Effective January 1, 2005, the commission shall have exclusive authority to fix and establish reasonable and just fees and rates for:

(a) Pilotage service to ships and vessels.

(b) Pilotage service to ships in distress.

(c) Extraordinary pilotage service.

(d) A pilot being carried to sea unwillingly, which fee and rate shall include reimbursement for his return to pilot station.

(e) The detention of a pilot.

(2) The commission shall have authority to hold hearings, subpoena witnesses, administer oaths, take depositions, fix fees and mileage of witnesses, compel the attendance of witnesses, and assess the cost of all hearings and expenses incurred by the commission equally on the pilot association to which it relates and the shipping industry.

(3) The pilotage fees and rates shall bear as a lien and privilege on the ships or vessels for non-payment of same, together with reasonable attorney fees, all of which may be enforced in any court of competent jurisdiction within one year from the date the service was offered or performed.

G. Pilotage fees and rates may provide for all ordinary and necessary operating and administrative costs and expenses, including, but not limited to, the cost of, replacement of, and reasonable return on investment of pilot stations, administrative offices, furniture and fixtures, communication equipment and facilities, vessels, launches and other required vehicles of transportation and the expenses of maintaining and repairing same, other transportation expenses, the expense of maintaining necessary employees, operating materials, consumables and services, pensions, pension plans, hospitalization, disability compensation, taxes and licenses, life insurance, license insurance, trade promotions, public relations, legal expense, accounting expense, professional dues, administrative and professional publications, state pilot commissions, state and federal requirements, and fair average annual compensation for a state ship pilot, in comparison to regulated state ship pilotage in other United States ports.

H.(1) In determining such fees and rates, the commission may give due regard to, but shall not be limited to:

(a) Consideration of the length, draft, dimensions, and tonnage of the vessels to be piloted.

(b) The difficulty and inconvenience of the particular service and the skill and additional expertise required to render it.

(c) The public interest in maintaining safe, efficient, and reliable pilotage service.

(d) The piloting time required; the distance traveled of the vessels to be serviced; the travel time required and distance traveled to and from vessels; the method of travel and travel cost required to

and from vessels; the time devoted by pilots to making themselves available when needed; the time required to be on station or on call while both on and off station; the length of time duty requires the pilot's absence away from home; the difficulty of the particular service including working conditions; risk factors of the route; inconvenience and living conditions; the skill and additional expertise required to render the particular service; the length of the training, experience, or apprenticeship program; and the number of trips the pilot is required to ride light.

(e) Another factor relevant to the determination of reasonable and just fees and rates, including those factors previously considered and determined by the supreme court, and the national average pilotage cost per mile for state regulated pilots operating in United States ports.

(2) If any standard for establishing pilotage fees and rates set forth herein is not applicable to a particular pilot service, then it shall not be considered in the determination of fees and rates for such service.

§3614. Louisiana River Pilot Fee Commission; officers; employees; expenditures; funding; grants

R.S. 37:3614 is all proposed new law.

A. The members of the commission shall annually elect a chairman and such other officers of the commission as they may determine necessary and appropriate for the administration, implementation, and enforcement of this Part.

B. The commission may employ an executive director, who with the approval of the commission, may employ such other personnel as he deems necessary and appropriate for the administration and enforcement of this Part.

C. The commission may incur necessary expenses in the discharge of its duties, functions, and responsibilities in this Part.

D. The cost of salaries, equipment, office space, office supplies, and all other necessary expenses for the administration, implementation, and enforcement of this Part shall be paid from self-generated funds or other funds made available to the commission for such purposes.

E. The commission may:

(1) Accept grants, allocations, or appropriations from the United States government or the state government or donations, grants, or other forms of assistance from private foundations or other sources.

(2) Secure funding from existing pilotage fees to pay the costs of salaries, equipment, office space, office supplies, and all other necessary expenses for the administration, implementation, and enforcement of this Part.

§3615. Louisiana River Pilot Fee Commission; rules and regulations

R.S. 37:3615 is all proposed new law.

A. The commission shall issue rules and regulations to administer, implement, and enforce this Part. The procedure for proposing, amending, repealing and promulgating a rule or regulation shall be in accordance with the Administrative Procedure Act.

B. The rules and regulations shall provide for:

(1) The conduct of hearings by the commission.

(2) Setting, approving, or disapproving fees and rates for each pilotage area.

(3) Setting the number of pilots.

(4) Securing funding from existing pilotage fees to pay the costs of salaries, equipment, office space, office supplies, and all other necessary expenses for the administration, implementation, and enforcement of this Part.

(5) Any other matter which the commission may deem necessary or appropriate for the administration, implementation, and enforcement of this Part.

C. All action taken by the Louisiana River Pilot Fee Commission shall be by a vote of the majority of the commission membership.

§3616. Transitional provisions

R.S. 37:3616 is all proposed new law.

A. Prior to January 1, 2005, the commission shall, pursuant to the provisions of this Part:

(1) Hold organizational meetings.

(2) Elect officers and hire personnel.

(3) Lease and furnish office space.

(4) Provide for such related activities as the commission deems necessary.

(5) Promulgate rules and regulations in accordance with the provisions of this Part.

B. Prior to January 1, 2005, all regulatory authority provided for in Part V of Chapter 6 of Title 34 of the Louisiana Revised Statutes of 1950, comprised of R.S. 34:1121 through 1127, shall continue with the existing pilotage fee commissions.

PART II. BOARD OF LOUISIANA RIVER PILOT REVIEW AND OVERSIGHT

Part II is all proposed new law.

§3617. Definitions

R.S. 37:3617 is all proposed new law.

For the purposes of this Part, the terms used herein shall have the following meanings unless the context clearly indicates otherwise:

(1) "Board" means the Board of Louisiana River Pilot Review and Oversight.

(2) "Board of Commissioners or Examiners" means those boards and commissions as defined or provided for in R.S. 34:941, 991, 1041, and 1072.

(3) "Pilot" means those pilots as designated in R.S. 34:941, 992, 1041, and 1071.

§3618. Purpose

R.S. 37:3618 is all proposed new law.

It is the intent of the legislature to create the Board of Louisiana River Pilot Review and Oversight for the purpose of providing oversight of pilots for the Associated Branch Pilots for the Port of New Orleans, the River Port Pilots for the Port of New Orleans, the New Orleans Baton Rouge Steamship Pilots Association, and the Associated Branch Pilots of the Port of Lake Charles.

§3619. Board of Louisiana River Pilot Review and Oversight; creation; membership

R.S. 37:3619 is all proposed new law.

A. The Board of Louisiana River Pilot Review and Oversight is hereby created within the office of the governor and shall be domiciled in the city in which the state capital is situated.

B. The board shall be composed of eleven members appointed by the governor, all of who shall be United States citizens, registered voters and domiciled in Louisiana for not less than five years. Any vacancy on the board shall be filled in the same manner as the initial appointment for that seat on the board was made.

C. The governor shall appoint the members as follows:

(1) A pilot member of the Board of Examiners of Bar Pilots for the Port of New Orleans as referred to in R.S. 34:941.

(2) A pilot member of the Board of River Port Pilots Commissioners for the Port of New Orleans as referred to in R.S. 34:991.

(3) A pilot member of the Board of Examiners for New Orleans and Baton Rouge Steamship Pilots for the Mississippi River as referred to in R.S. 34:1041.

(4) A pilot member of the Board of River Port Pilot Commissioners and Examiners as referred to in R.S. 34:1072.

(5) Two members chosen from a list of four persons nominated jointly by the Louisiana Association of Business and Industry, the Louisiana Chemical Association, the Louisiana Farm Bureau Federation, and the Louisiana Mid-Continent Oil and Gas Association.

(6) Two members chosen from a list of four persons nominated by the Ports Association of Louisiana.

(7) Three former judges who served on the Louisiana Supreme Court, a Louisiana appellate court, or a Louisiana district court

D. The appointments by the governor shall be subject to confirmation by the Senate. The governor shall make appointments within thirty days of the expiration of a term of office or the occurrence of a vacancy in office. A member may be removed only for good cause shown.

E. Members shall serve terms concurrent with that of the governor and shall continue in office until their successors are qualified and appointed.

F. The members of the board shall serve without compensation. However, the members appointed as the former judges shall be entitled to a per diem, not to exceed seventy-five dollars per board meeting day.

G. All actions taken by the board shall be in accordance with the Administrative Procedure Act, R.S. 49:950 et. seq., including the right to subpoena witnesses and documents pursuant to R.S. 49:956. §3620. Meetings; quorum

R.S. 37:3620 is all proposed new law.

A. The board shall meet at least twice per year, at a place of their choosing, and at other such times and places as it may determine. A majority of the members of the board shall constitute a quorum.

B. The governor shall appoint members and convene the first meeting of the board on or before October 1, 2004.

C. At the first meeting and annually thereafter, the board shall elect a chairman and such other officers of the board as they may determine necessary and appropriate for the administration, implementation and enforcement of this Part.

D. Meetings of the board shall be held in accordance with the Open Meetings Law.

§3621. Powers; functions; duties; responsibilities

R.S. 37:3621 is all proposed new law.

A. The board shall issue rules and regulations to administer, implement, and enforce this Part. The procedure for proposing, amending, repealing and promulgating a rule or regulation shall be in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

B. The board shall review and may approve or reject any proposed rule or regulation that may be adopted by any of the Boards of Commissioners or Examiners, except for rules and regulations adopted on an emergency basis. Any rejection by the board shall be within ninety days of submission of the proposed rule or regulation to the board; otherwise, such rule or regulation shall be deemed approved.

C. The board shall request, receive, and review reports prepared by the Boards of Commissioners or Examiners related to accidents occurring on and after January 1, 2005 and involving any state

commissioned pilot while the pilot is acting under his state commission, and the board may either:

(1) Review the report and take no further action, consenting to the action of the submitting Board of Commissioners or Examiners.

(2) Remand the matter to the submitting Board of Commissioners or Examiners for further investigation or proceedings, the results of which are to be submitted to the board.

D. The board shall receive reports as to consent disciplines agreed to by and between a pilot and the Boards of Commissioners or Examiners, and the board may either:

(1) Review the report and take no further action, consenting to the action of the submitting Board of Commissioners or Examiners.

(2) Remand the matter to the submitting Board of Commissioners or Examiners for further investigation or proceedings, the results of which are to be submitted to the board.

E. The board shall receive reports as to all formal disciplinary adjudications rendered by the Board of Commissioners or Examiners, and the board may either:

(1) Review the report and take no further action, consenting to the action of the submitting Board of Commissioners or Examiners.

(2) Remand the matter to the submitting Board of Commissioners or Examiners for further investigation or proceedings, the results of which are to be submitted to the board.

F. The board shall receive appeals from any party to a formal disciplinary proceeding before the Boards of Commissioners or Examiners. Following notice and a hearing, the board may acquit the pilot or may impose its own sanctions against a pilot, including but not limited to reprimand of the pilot, ordering the pilot to participate in remedial training, imposing a fine not to exceed ten thousand dollars, ordering the pilot to pay the costs of the hearings inclusive of attorney's fees, or recommending to the governor that the pilot's commission be suspended or revoked. The board shall have the authority to suspend a pilot's commission in the event of an emergency pursuant to the emergency procedures of the Administrative Procedure Act.

G. The board shall receive sworn complaints against any pilot from any source for actions taken by a pilot while in the performance of his duties, including acts of misconduct, carelessness, incompetence, intoxication, negligence, or the refusal to offer timely pilotage services without just cause. In addition the board shall receive sworn complaints for abuse of legally prescribed medication and illegal use of controlled dangerous substances. The board may conduct investigations, refer the matter to the Boards of Commissioners or Examiners for investigation, or conduct hearings pursuant to the Administrative Procedure Act and the rules adopted by the board. Following notice and a hearing, the board may acquit the pilot or may impose sanctions against the pilot, including but not limited to reprimand of the pilot, order the pilot to participate in remedial training, impose a probationary period, impose a fine not to exceed ten thousand dollars, order the pilot to pay the costs of the hearings inclusive of attorney's fees, or recommend to the governor that the pilot's commission be suspended or revoked. The board shall have the authority to suspend a pilot's commission in the event of an emergency pursuant to the emergency procedures of the Administrative Procedure Act.

H. Nothing in this Part shall prohibit the governor, in his discretion, from suspending or revoking a pilot's commission.

I. The board shall submit an annual report to the Senate Committee on Commerce, Consumer Protection, and International Affairs and the House Committee on Commerce on accident investigation, which report shall identify each accident and location,

the pilot involved, a description of the damage sustained, and the action taken by the board or the board of commissioners or examiners. The annual report shall be submitted on or before the last day of February for accidents occurring during the previous year.

J. The board shall maintain a permanent accident or incident record on each pilot as well as an accident investigation file as long as the pilot involved has a pilot commission.

K. The board shall submit an accident report as soon as practically possible to the general counsel of the Department of Transportation and Development in those accidents in which state property is involved or damaged. Such accident report shall provide a description of the circumstances surrounding the accident, including but not limited to the time and location, the state property involved or damaged, the name of the pilot, the name of the vessel, the name of the vessel's agent and the name of the insurer of the vessel.

L. The board shall provide to each commissioned pilot a copy of the board's rules and regulations.

M. No provision contained in this Part shall limit or supersede the duties and responsibilities of the Board of Commissioners or Examiners.

N. Notwithstanding any other provision of law, no part of a report issued or received by the board or the Board of Commissioners and Examiners, including findings of fact, opinions, recommendations, deliberations, or conclusions, shall be admissible as evidence or subject to discovery in any civil or administrative proceeding, other than an administrative proceeding initiated by the board or the Board of Commissioners and Examiners. No member of the board or the Board of Commissioners and Examiners shall be subject to deposition or other discovery, or otherwise testify in such proceedings relevant to the performance of their duties on the board or Board of Commissioners and Examiners. If an employee or member of the board or the Board of Commissioners and Examiners is called as an expert or fact witness pursuant to their duties, their testimony shall not be admissible and their report shall not be considered the report of an expert.

O. The board shall maintain or cause to be maintained all records as required by, and subject to, the Public Records Law.

§3622. Expenditures; funding

R.S. 37:3622 is all proposed new law.

A. The board may incur necessary expenses in the discharge of its duties, functions, and responsibilities of this Part.

B. The cost of equipment, office space, office supplies and all other necessary expenses for the administration, implementation, and enforcement of this Part shall be paid from self-generated funds or other funds made available to the board for such purpose. The board is authorized to adopt rules and regulations pursuant to the Administrative Procedure Act for the purpose of funding this Part.

C. The board may accept grants, allocations or appropriations from the United States government or donations, grants or other forms of assistance from private foundations or other sources.

§3623. Liability

R.S. 37:3623 is all proposed new law.

Any party seeking to hold a pilot acting under his state commission issued in accordance with Chapter 6 of Title 34 of the Louisiana Revised Statutes of 1950 liable for damages or loss occasioned by the pilot's errors, omissions, fault, or neglect shall be required to prove by clear and convincing evidence that the damages arose from the pilot's gross negligence or willful misconduct.

§3624. Judicial review

R.S. 37:3624 is all proposed new law.

A party to a proceeding before the board, may in accordance with the Administrative Procedure Act petition the Nineteenth Judicial District Court for judicial review of final agency action of the board.

§3625. Transitional provisions

R.S. 37:3625 is all proposed new law.

Prior to January 1, 2005, the board shall, pursuant to the provisions of this Chapter:

(1) Hold organizational meetings.

(2) Elect officers and hire personnel.

(3) Lease and furnish office space.

(4) Provide for such related activities as the commission deems necessary.

(5) Promulgate rules and regulations in accordance with the provisions of this Part.

Section 2. Part V of Chapter 6 of Title 34 of the Louisiana Revised Statutes of 1950, comprised of R.S. 34:1121 through 1127, and R.S. 42:1119(C)(3) are hereby repealed.

Section 3. Section 2 of this Act will become effective on January 1, 2005.

Section 4. Sections 1, 3 and this Section of this Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval."

Motion

Senator Marionneaux moved the previous question on the amendments.

Without objection, so ordered.

Senator Dardenne moved adoption of the amendments.

Senator Hollis objected.

ROLL CALL

The roll was called with the following result:

YEAS

Adley	Gautreaux, N	Michot
Barham	Hainkel	Mount
Boasso	Hollis	Nevers
Cain	Irons	Romero
Chaisson	Jones	Schedler
Cravins	Kostelka	Smith
Dardenne	Malone	Theunissen
Duplessis	Marionneaux	Ullo
Dupre	McPherson	
Total—26		

NAYS

Amedee	Ellington	Heitmeier
Bajoie	Fields	Holden
Boissiere	Fontenot	Jackson
Cheek	Gautreaux, B	

Total—11

ABSENT

Mr. President

Lentini

Total—2

The Chair declared the amendments were adopted.

Floor Amendments Sent Up

Senator Adley sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Adley to Engrossed Senate Bill No. 472 by Senator Dardenne

AMENDMENT NO. 1

In Senate Floor Amendment No. 5 proposed by Senator Dardenne and adopted by the Senate on May 20, 2004, on page 2, between lines 6 and 7, insert the following:

“(a) No at-large members of the Louisiana River Pilot Commission shall be a family member of a Louisiana River Pilot Association member as defined in R.S. 42:1102. Nor shall any at-large member of the Louisiana River Pilot Commission have a financial, business, or pecuniary relationship with a member of the Louisiana River Pilot Association, or with any other entity represented on the commission.

(b) At-large commission members shall not, for a period of two years prior to their appointment, and for a period of two years after the expiration of their term, have a financial, business, pecuniary, or employment relationship with the River Pilot Association, any Louisiana River Pilot Association members or with any other entity represented on the commission.”

AMENDMENT NO. 2

In Senate Floor Amendment No. 5 proposed by Senator Dardenne and adopted by the Senate on May 20, 2004, on page 5, between lines 16 and 17, insert the following:

“(a) No at-large members of the Louisiana River Pilot Review and Oversight Board shall be a family member of a Louisiana River Pilot Association member as defined in R.S. 42:1102. Nor shall any at-large member of the Louisiana River Pilot Review and Oversight Board have a financial, business, or pecuniary relationship with a member of the Louisiana River Pilot Association, or with any other entity represented on the commission.

(b) At-large commission members shall not, for a period of two years prior to their appointment, and for a period of two years after the expiration of their term, have a financial, business, pecuniary, or employment relationship with the River Pilot Association, any Louisiana River Pilot Association members or with any other entity represented on the commission.”

On motion of Senator Adley, the amendments were adopted.

Floor Amendments Sent Up

Senator Hollis sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Hollis to Engrossed Senate Bill No. 472 by Senator Dardenne

AMENDMENT NO. 1

In Senate Floor Amendment No. 5 proposed by Senator Dardenne and adopted by the Senate on May 20, 2004, on page 1, line 32 change "eleven" to "nine"

AMENDMENT NO. 2

In Senate Floor Amendment No. 5 proposed by Senator Dardenne and adopted by the Senate on May 20, 2004, on page 2, delete line 6 and insert the following:

“(3) One at-large member. Such member shall sign and maintain a statement of neutrality.”

AMENDMENT NO. 3

In Senate Floor Amendment No. 5 proposed by Senator Dardenne and adopted by the Senate on May 20, 2004, on page 2, line 12 change "four members" to "three members" and on line 13 change "four members" to "three members"

AMENDMENT NO. 4

In Senate Floor Amendment No. 5 proposed by Senator Dardenne and adopted by the Senate on May 20, 2004, on page 4, line 17 delete "of the majority" and insert "of a two-thirds majority"

AMENDMENT NO. 5

In Senate Floor Amendment No. 5 proposed by Senator Dardenne and adopted by the Senate on May 20, 2004, on page 4, between lines 17 and 18 insert the following:

"D. Any action which does not receive a favorable vote of a two-thirds majority of the commission membership shall be resolved through binding arbitration in accordance with Louisiana Arbitration Law, R.S. 9:4201, et seq."

AMENDMENT NO. 6

In Senate Floor Amendment No. 5 proposed by Senator Dardenne and adopted by the Senate on May 20, 2004, on page 7 line 56 change "are repealed" to "are hereby suspended until January 1, 2007."

AMENDMENT NO. 7

In Senate Floor Amendment No. 5 proposed by Senator Dardenne and adopted by the Senate on May 20, 2004, on page 7, between lines 57 and 58 insert the following.

"Section 3A. This Act shall become null and void and of no effect on January 1, 2007. However, the rates in existence on that date shall remain in effect until changed by the applicable pilotage fee commission. All proceedings pending before the Louisiana River Pilot Fee Commission shall be transferred to the appropriate pilotage fee commission."

Motion

Senator Adley moved for a division of the question on the above floor amendments.

Without objection, the division of the question was ordered.

Senator Hollis moved the adoption of Amendments No. 1, 2, 3, 4 and 5.

Senator Dardenne objected.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fields	Jones
Amedee	Fontenot	Kostelka
Bajoie	Gautreaux, B	Marionneaux
Boissiere	Gautreaux, N	McPherson
Cain	Heitmeier	Nevers
Cheek	Holden	Schedler
Dupre	Hollis	
Ellington	Jackson	
Total—22		

NAYS

Adley	Duplessis	Mount
Barham	Hainkel	Romero
Boasso	Irons	Smith
Cravins	Malone	Theunissen
Dardenne	Michot	Ullo
Total—15		

ABSENT

Chaisson	Lentini
Total—2	

The Chair declared Amendments No. 1, 2, 3, 4 and 5 were adopted.

Senator Hollis moved the adoption of Amendments No. 6 and 7.

Senator Hainkel objected.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Heitmeier	Hollis
Total—3		

NAYS

Adley	Dupre	Malone
Amedee	Ellington	Marionneaux
Bajoie	Fields	McPherson
Barham	Fontenot	Michot
Boasso	Gautreaux, B	Mount
Boissiere	Gautreaux, N	Nevers
Cain	Hainkel	Romero
Chaisson	Holden	Schedler
Cheek	Irons	Smith
Cravins	Jackson	Theunissen

Dardenne
Duplessis
Total—35

Jones
Kostelka
Ullo

ABSENT

Lentini
Total—1

The Chair declared Amendments No. 6 and 7 were rejected.

Motion

Senator Heitmeier moved the previous question on the entire subject matter.

Without objection, so ordered.

The bill was read by title. Senator Dardenne moved final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Kostelka
Adley	Ellington	Malone
Amedee	Fields	Marionneaux
Bajoie	Fontenot	McPherson
Barham	Gautreaux, B	Michot
Boasso	Gautreaux, N	Mount
Boissiere	Hainkel	Nevers
Cain	Heitmeier	Romero
Chaisson	Holden	Schedler
Cheek	Hollis	Smith
Cravins	Irons	Theunissen
Dardenne	Jackson	Ullo
Duplessis	Jones	
Total—38		

NAYS

Total—0

ABSENT

Lentini
Total—1

The Chair declared the amended bill was passed. The title was read and adopted. Senator Dardenne moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Rules Suspended

Senator Dardenne asked for and obtained a suspension of the rules for the purpose of reverting to the Morning Hour.

Messages from the House

The following Messages from the House were received and read as follows:

Message from the House

DISAGREEMENT TO HOUSE BILL

May 20, 2004

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has refused to concur in the proposed Senate Amendment(s) to House Bill No. 272 by Representative Durand, and ask the President to appoint on the part of the Senate a committee to confer with a like committee from the House on the disagreement.

Respectfully submitted,
ALFRED W. SPEER

Clerk of the House of Representatives

Message from the House

**CONCURRING IN
SENATE CONCURRENT RESOLUTIONS**

May 20, 2004

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally concurred in the following Senate Concurrent Resolutions:

SENATE CONCURRENT RESOLUTION NO. 6—
BY SENATOR SCHEDLER

A CONCURRENT RESOLUTION

To recreate the Task Force on Regional and Local Economic Development to review industry attraction, expansion, and retention initiatives at the local and regional levels and to determine appropriate funding levels and revenue sources.

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 47—
BY SENATOR HAINKEL

A CONCURRENT RESOLUTION

To memorialize the Congress of the United States to continue to support and expand the operations of the National Finance Center in New Orleans, including the renewal of its contract with the Federal Retirement Thrift Investment Board.

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 118—
BY SENATOR DARDENNE

A CONCURRENT RESOLUTION

To express the sincere and heartfelt condolences of the Legislature of Louisiana upon the death of William Kenneth "Bill" Carville, husband, son, brother, Vietnam Veteran, Army Reservist, corrections veteran, and friend.

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 120—
BY SENATOR AMEDEE

A CONCURRENT RESOLUTION

To commend and congratulate the players and coaches of the St. Amant High School Lady Gators on winning the Class 5A Girls High School State Softball Championship.

Reported without amendments.

Respectfully submitted,
ALFRED W. SPEER

Clerk of the House of Representatives

Message from the House

**PASSED SENATE BILLS AND
JOINT RESOLUTIONS**

May 20, 2004

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed the following Senate Bills and Joint Resolutions:

SENATE BILL NO. 42—

BY SENATORS NEVERS AND SCHEDLER AND REPRESENTATIVE STRAIN

AN ACT

To enact Part XIV-A of Chapter 5 of Title 3 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 3:557.21, relative to dairy promotion; to require state agencies to assist the Department of Agriculture and Forestry in the development, registration, and licensing of any trademark or label for use in promoting Louisiana dairy products; to authorize the Department of Agriculture and Forestry to sell licenses for such trademarks or labels; to create the Dairy Farmer Support Fund; to provide for the deposit of monies into the fund and for the use of such monies; to require the promulgation of rules and regulations; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
ALFRED W. SPEER

Clerk of the House of Representatives

Introduction of Senate Resolutions

Senator Bajoie asked for and obtained a suspension of the rules for the purpose of introducing and reading the following Senate Resolutions a first and second time and acting upon them as follows:

SENATE RESOLUTION NO. 92—
BY SENATOR MARIONNEAUX

A RESOLUTION

To commend the Louisiana National Guard's 1088th Engineer Battalion, headquartered in Plaquemine, upon its activation in

support of Operation Iraqi Freedom and to extend support and prayers for a safe return home.

On motion of Senator Marionneaux, the resolution was read by title and adopted.

Messages from the House

The following Messages from the House were received and read as follows:

Message from the House

ASKING CONCURRENCE IN HOUSE BILLS AND JOINT RESOLUTIONS

May 20, 2004

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Bills and Joint Resolutions:

HOUSE BILL NO. 666—

BY REPRESENTATIVE CRANE

AN ACT

To enact R.S. 17:3805(F), relative to the Education Excellence Fund; to provide that fund amounts and related investment earnings credited for a recipient entity shall revert to the fund whenever the entity no longer meets the conditions required for it to be eligible for fund allocations; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 1124—

BY REPRESENTATIVE LAFLEUR

AN ACT

To amend and reenact R.S. 27:392(B)(3)(b)(i), relative to the distribution of revenues derived under the Pari-mutuel Live Racing Facility Economic Redevelopment and Gaming Control Act; to make technical changes to the dedication of certain monies derived from the conduct of slot machine gaming in St. Landry Parish; to provide for an effective date; and to provide for related matters.

Respectfully submitted,

ALFRED W. SPEER

Clerk of the House of Representatives

House Bills and Joint Resolutions on First Reading

The following House Bills and Joint Resolutions were read a first time by their titles and placed on the Calendar for their second reading:

HOUSE BILL NO. 666—

BY REPRESENTATIVE CRANE

AN ACT

To enact R.S. 17:3805(F), relative to the Education Excellence Fund; to provide that fund amounts and related investment earnings credited for a recipient entity shall revert to the fund whenever

the entity no longer meets the conditions required for it to be eligible for fund allocations; to provide for an effective date; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 1124—

BY REPRESENTATIVE LAFLEUR

AN ACT

To amend and reenact R.S. 27:392(B)(3)(b)(i), relative to the distribution of revenues derived under the Pari-mutuel Live Racing Facility Economic Redevelopment and Gaming Control Act; to make technical changes to the dedication of certain monies derived from the conduct of slot machine gaming in St. Landry Parish; to provide for an effective date; and to provide for related matters.

The bill was read by title; lies over under the rules.

Messages from the House

The following Messages from the House were received and read as follows:

Message from the House

ASKING CONCURRENCE IN HOUSE CONCURRENT RESOLUTIONS

May 20, 2004

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Concurrent Resolutions:

HOUSE CONCURRENT RESOLUTION NO. 204—

BY REPRESENTATIVES ROMERO, ALARIO, ALEXANDER, ANSARDI, BADON, BALDONE, BAYLOR, BEARD, BOWLER, BROOME, BRUNEAU, BURNS, BURRELL, R. CARTER, CAZAYOUX, CRANE, CROWE, DAMICO, DANIEL, DARTEZ, DORSEY, DOVE, DOWNS, DURAND, FANNIN, FARRAR, FAUCHEUX, FRITH, GALLOT, GEYMAN, GLOVER, GRAY, M. GUILLORY, HEATON, HEBERT, HILL, HUNTER, HUTTER, JACKSON, JEFFERSON, JOHNS, KATZ, KENNEY, LAFLEUR, LANCASTER, MARCHAND, MARTINY, MCDONALD, MONTGOMERY, MURRAY, ODINET, PINAC, PITRE, M. POWELL, T. POWELL, RITCHIE, SALTER, SCALISE, SCHNEIDER, SMILEY, GARY SMITH, JACK SMITH, JANE SMITH, JOHN SMITH, STRAIN, THOMPSON, TOWNSEND, TRAHAN, TUCKER, WALKER, WALSWORTH, AND WOOTON

A CONCURRENT RESOLUTION

To memorialize the United States Congress to provide for franking privileges for persons called to active service in the armed forces of the United States so that their families can send them supplies, gifts, or other personal items while serving our country in foreign countries.

HOUSE CONCURRENT RESOLUTION NO. 105—

BY REPRESENTATIVE MORRISH

A CONCURRENT RESOLUTION

To continue the Task Force on the Working Uninsured for the purpose of studying and making further recommendations regarding possible solutions to Louisiana's serious problem of many working citizens who are without health insurance.

HOUSE CONCURRENT RESOLUTION NO. 120—
BY REPRESENTATIVES QUEZAIRE, FANNIN, HONEY, KENNEY, M. POWELL, T. POWELL, RITCHIE, JANE SMITH, AND TRAHAN AND SENATOR AMEDEE

A CONCURRENT RESOLUTION

To create the Louisiana Incentives for New Ventures and Economic Stimulation (INVEST) Commission to study the issue of transforming sixteenth section lands into generators of education funding and economic development in the state of Louisiana.

HOUSE CONCURRENT RESOLUTION NO. 155—
BY REPRESENTATIVE BRUCE

A CONCURRENT RESOLUTION

To urge and request state agencies to participate in the Early Childhood Comprehensive Systems initiative to establish and promote early childhood development programs.

HOUSE CONCURRENT RESOLUTION NO. 157—
BY REPRESENTATIVE BROOME

A CONCURRENT RESOLUTION

To urge and request the Department of Public Safety and Corrections to establish a character and faith-based program to provide persons released from incarceration from state correctional facilities with fundamental resources in the areas of employment, life skills training, and job skill enhancements and placement, as well as access to as many support services as possible in order to appreciably increase the likelihood of the offender's successful reentry into society.

HOUSE CONCURRENT RESOLUTION NO. 76—
BY REPRESENTATIVES RICHMOND, BAYLOR, AND GLOVER
A CONCURRENT RESOLUTION

To create the Louisiana Housing and Community Development Advisory Task Force to study and develop recommendations for regional and statewide strategies and initiatives to meet the housing and community development needs of Louisiana.

HOUSE CONCURRENT RESOLUTION NO. 96—
BY REPRESENTATIVES GARY SMITH, FAUCHEUX, AND ROMERO
A CONCURRENT RESOLUTION

To memorialize the United States Supreme Court and the United States Congress to take all necessary measures to preserve the phrase "one nation under God" in the Pledge of Allegiance.

The resolution was read by title; lies over under the rules.

HOUSE CONCURRENT RESOLUTION NO. 10—
BY REPRESENTATIVE TOWNSEND
A CONCURRENT RESOLUTION

To amend the Department of Economic Development, Racing Commission rules on horse racing to accommodate Paint horses racing, and to direct the Louisiana Register to print the amendments in the Louisiana Administrative Code.

HOUSE CONCURRENT RESOLUTION NO. 158—
BY REPRESENTATIVE BOWLER

A CONCURRENT RESOLUTION

To urge and request the Louisiana State Law Institute to study Louisiana's visitation statutes and make specific recommendation on or before January 15, 2005, for revisions to state laws.

Respectfully submitted,
ALFRED W. SPEER
Clerk of the House of Representatives

**House Concurrent Resolutions
on First Reading**

The following House Concurrent Resolutions were read a first time by their titles and placed on the Calendar for their second reading:

HOUSE CONCURRENT RESOLUTION NO. 10—
BY REPRESENTATIVE TOWNSEND

A CONCURRENT RESOLUTION

To amend the Department of Economic Development, Racing Commission rules on horse racing to accommodate Paint horses racing, and to direct the Louisiana Register to print the amendments in the Louisiana Administrative Code.

The resolution was read by title; lies over under the rules.

HOUSE CONCURRENT RESOLUTION NO. 76—
BY REPRESENTATIVES RICHMOND, BAYLOR, AND GLOVER
A CONCURRENT RESOLUTION

To create the Louisiana Housing and Community Development Advisory Task Force to study and develop recommendations for regional and statewide strategies and initiatives to meet the housing and community development needs of Louisiana.

The resolution was read by title; lies over under the rules.

HOUSE CONCURRENT RESOLUTION NO. 96—
BY REPRESENTATIVES GARY SMITH, FAUCHEUX, AND ROMERO
A CONCURRENT RESOLUTION

To memorialize the United States Supreme Court and the United States Congress to take all necessary measures to preserve the phrase "one nation under God" in the Pledge of Allegiance.

The resolution was read by title; lies over under the rules.

HOUSE CONCURRENT RESOLUTION NO. 105—
BY REPRESENTATIVE MORRIS

A CONCURRENT RESOLUTION

To continue the Task Force on the Working Uninsured for the purpose of studying and making further recommendations regarding possible solutions to Louisiana's serious problem of many working citizens who are without health insurance.

The resolution was read by title; lies over under the rules.

HOUSE CONCURRENT RESOLUTION NO. 120—
BY REPRESENTATIVES QUEZAIRE, FANNIN, HONEY, KENNEY, M. POWELL, T. POWELL, RITCHIE, JANE SMITH, AND TRAHAN AND SENATOR AMEDEE

A CONCURRENT RESOLUTION

To create the Louisiana Incentives for New Ventures and Economic Stimulation (INVEST) Commission to study the issue of transforming sixteenth section lands into generators of education funding and economic development in the state of Louisiana.

The resolution was read by title; lies over under the rules.

HOUSE CONCURRENT RESOLUTION NO. 155—
BY REPRESENTATIVE BRUCE**A CONCURRENT RESOLUTION**

To urge and request state agencies to participate in the Early Childhood Comprehensive Systems initiative to establish and promote early childhood development programs.

The resolution was read by title; lies over under the rules.

HOUSE CONCURRENT RESOLUTION NO. 157—
BY REPRESENTATIVE BROOME**A CONCURRENT RESOLUTION**

To urge and request the Department of Public Safety and Corrections to establish a character and faith-based program to provide persons released from incarceration from state correctional facilities with fundamental resources in the areas of employment, life skills training, and job skill enhancements and placement, as well as access to as many support services as possible in order to appreciably increase the likelihood of the offender's successful reentry into society.

The resolution was read by title; lies over under the rules.

HOUSE CONCURRENT RESOLUTION NO. 158—
BY REPRESENTATIVE BOWLER**A CONCURRENT RESOLUTION**

To urge and request the Louisiana State Law Institute to study Louisiana's visitation statutes and make specific recommendation on or before January 15, 2005, for revisions to state laws.

The resolution was read by title; lies over under the rules.

HOUSE CONCURRENT RESOLUTION NO. 204—
BY REPRESENTATIVE ROMERO**A CONCURRENT RESOLUTION**

To memorialize the United States Congress to provide for franking privileges for persons called to active service in the armed forces of the United States so that their families can send them supplies, gifts, or other personal items while serving our country in foreign countries.

The resolution was read by title; lies over under the rules.

Rules Suspended

Senator Hainkel asked for and obtained a suspension of the rules for the purpose of recalling House Bill No. 61 from the Committee on Judiciary A.

HOUSE BILL NO. 61—

BY REPRESENTATIVES SCALISE, CROWE, ALEXANDER BADON, BURNS, ERDEY, FAUCHEUX, FLAVIN, FRITH, GEYMAN, JOHNS, LABRUZZO, T. POWELL, SMILEY, JANE SMITH, JOHN SMITH, AND WALKER AND SENATORS CAIN, MICHOT, AND THEUNISSEN

A JOINT RESOLUTION

Proposing an amendment to the Constitution of Louisiana, to enact Article I, Section 27, relative to marriage; to provide for valid and recognized marriages; to provide for the legal incidents of marriage; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

Floor Amendments Sent Up

Senator Hainkel sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Conforming Amendments proposed by Senator Hainkel to Engrossed House Bill No. 61 by Representative Scalise (Duplicate of Senate Bill No. 166)

AMENDMENT NO. 1

On page 1, line 2, after "enact" delete the remainder of the line and insert the following:

"Article XII, Section 15,"

AMENDMENT NO. 2

On page 2, line 3, after "relative to marriage;" delete the remainder of the line and on line 4, delete "legal incidents of marriage;" and insert in lieu thereof the following: "to require that marriage in the state shall consist only of the union of one man and one woman; to provide that the legal incidents of marriage shall be conferred only upon such union; to prohibit the validation or recognition of the legal status of any union of unmarried individuals; to prohibit the recognition of a marriage contracted in another jurisdiction which is not the union of one man and one woman;"

AMENDMENT NO. 3

On page 1, line 5, between "electors" and the semicolon ";" insert "and provide a ballot proposition"

AMENDMENT NO. 4

On page 1, line 9, change "Article I, Section 27" to "Article XII, Section 15"

AMENDMENT NO. 5

On page 1, line 10, change "\$27." to "\$15."

AMENDMENT NO. 6

On page 1, line 11, change "Section 27." to "Section 15."

AMENDMENT NO. 7

On page 2, line 2, change "November 2," to "September 18,"

AMENDMENT NO. 8

On page 2, line 9, after "woman" change the semicolon ";" to a comma "," and delete "to provide"

AMENDMENT NO. 9

On page 2, line 10, after "conferred" delete the remainder of the line and delete lines 11 through 14 in their entirety and insert in lieu thereof the following: "on a member of any union other than such union; and that the state shall not validate or recognize a legal status identical or substantially similar to that of marriage for unmarried individuals or any marriage contracted in any other jurisdiction which is not the union of one man and one woman. (Adds Article XII, Section 15)"

On motion of Senator Hainkel, the amendments were adopted.

On motion of Senator Hainkel, the amended bill which is a duplicate of Senate Bill No. 166, was read by title and lies over under the rules.

Rules Suspended

Senator Lentini asked for and obtained a suspension of the rules for the purpose of recalling House Bill No. 823 from the Committee on Labor and Industrial Relations.

HOUSE BILL NO. 823—

BY REPRESENTATIVE MURRAY

AN ACT

To amend and reenact R.S. 23:1034.2(F) as amended by Act 454 of the 1989 Regular Session, and to repeal R.S. 23:1034.2(F) as amended by Act 25 of the 1989 Regular Session relative to payment for workers' compensation medical benefits; to provide for medical benefits; to provide with respect to reimbursement schedule; to provide for consolidation; to provide for venue; and to provide for related matters.

On motion of Senator Lentini, the bill which is a duplicate of Senate Bill No. 670, was read by title and lies over under the rules.

Message from the House

SIGNED HOUSE CONCURRENT RESOLUTIONS

May 20, 2004

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the Speaker of the House of Representatives has signed the following House Concurrent Resolutions:

HOUSE CONCURRENT RESOLUTION NO. 13—

BY REPRESENTATIVES MORRELL, HONEY, AND HUDSON

A CONCURRENT RESOLUTION

To urge and request the United States Congress to provide sufficient funding for full implementation of the "No Child Left Behind Act" of 2001.

HOUSE CONCURRENT RESOLUTION NO. 20—

BY REPRESENTATIVES FANNIN, ALEXANDER, BADON, CROWE, DOWNS, FUTRELL, HONEY, HUDSON, T. POWELL, JANE SMITH, TRAHAN, ANSARDI, BALDONE, BAUDOIN, BAYLOR, BEARD, BRUCE, BURRELL, CAZAYOUX, DAMICO, DANIEL, DARTEZ, DOERGE, DORSEY, DOVE, DURAND, ERDEY, FAUCHEUX, FLAVIN, FRITH, GLOVER, GRAY, E. GUILLORY, M. GUILLORY, HAMMETT, HEATON, HILL, HUNTER, JEFFERSON, JOHNS, KATZ, KENNEY, LAFLEUR, MARCHAND, MCDONALD, MCVEA, MONTGOMERY, MORRELL, MURRAY, ODINET, PIERRE, PINAC, PITRE, QUEZAIRE, RICHMOND, RITCHIE, ROBIDEAUX, ROMERO, SALTER, SHEPHERD, SMILEY, GARY SMITH, ST. GERMAIN, THOMPSON, TOWNSEND, TRICHE, TUCKER, WALKER, WALSWORTH, WHITE, WOOTON, AND WRIGHT AND SENATOR NEVERS

A CONCURRENT RESOLUTION

To memorialize the United States Congress to support an amendment to the proposed federal budget for Fiscal Year 2005 to fully fund the No Child Left Behind Act of 2001.

HOUSE CONCURRENT RESOLUTION NO. 23—

BY REPRESENTATIVES LAFLEUR, TRAHAN, BAUDOIN, AND BRUCE AND SENATOR MOUNT

A CONCURRENT RESOLUTION

To memorialize congress to take appropriate action to expedite the approval process necessary for foreign teachers to teach in the state's French immersion program.

HOUSE CONCURRENT RESOLUTION NO. 24—

BY REPRESENTATIVES LAFLEUR, TRAHAN, BAUDOIN, AND BRUCE AND SENATOR MOUNT

A CONCURRENT RESOLUTION

To continue the existence of the Louisiana Commission on French, created in 2001, to assess the condition of the French language in Louisiana.

HOUSE CONCURRENT RESOLUTION NO. 53—

BY REPRESENTATIVE HUTTER

A CONCURRENT RESOLUTION

To urge and request the chancellor of each community college under the management and supervision of the Board of Supervisors of Community and Technical Colleges to establish a rapid response team for his or her respective college in order to efficiently and effectively respond to the needs of business and industry by providing a highly skilled labor force.

HOUSE CONCURRENT RESOLUTION NO. 77—

BY REPRESENTATIVES GALLOT, ALEXANDER, BADON, CRANE, DOWNS, FANNIN, FUTRELL, HONEY, HUDSON, KENNEY, M. POWELL, T. POWELL, RITCHIE, JANE SMITH, AND TRAHAN

A CONCURRENT RESOLUTION

To urge and request the State Board of Elementary and Secondary Education to study cost issues relative to the implementation of the No Child Left Behind Act of 2001, and to determine any potential costs associated with changing the state's school and district accountability system to comply with the act and, should the state not comply with the act, any potential loss of federal funding.

HOUSE CONCURRENT RESOLUTION NO. 83—

BY REPRESENTATIVE CROWE

A CONCURRENT RESOLUTION

To urge and request the State Board of Elementary and Secondary Education to further study issues relative to school entrance age requirements as specified in House Concurrent Resolution No. 196 of the 2003 Regular Session, including but not limited to the advantages and disadvantages of requiring that children be six years old prior to September thirtieth to enter the first grade and to submit a written report of its findings and recommendations to the House Committee on Education and the Senate Committee on Education by not later than December 15, 2004.

HOUSE CONCURRENT RESOLUTION NO. 88—

BY REPRESENTATIVES JANE SMITH, BADON, CROWE, DOWNS, FANNIN, FUTRELL, HONEY, HUDSON, M. POWELL, T. POWELL, AND RITCHIE

A CONCURRENT RESOLUTION

To urge and request the State Board of Elementary and Secondary Education to revise Louisiana's definition of "highly qualified" teacher that was developed and adopted by the board as required by the federal No Child Left Behind Act, to be similar to such definitions established in the states of Ohio and Arkansas and to submit a written report on the status of such revision to the House Committee on Education and the Senate Committee on Education by not later than June 1, 2004.

HOUSE CONCURRENT RESOLUTION NO. 91—
BY REPRESENTATIVE CRANE

A CONCURRENT RESOLUTION

To continue the existence of the Commission on Best Practices in School Discipline, created in 2003 to study and establish a compendium of best practices at the state, district, school, and classroom levels that may be utilized by every teacher, administrator, and superintendent in the state for improving discipline in the classroom.

HOUSE CONCURRENT RESOLUTION NO. 199—

BY REPRESENTATIVES WINSTON, BAUDOIN, BOWLER, BROOME, BRUCE, CARTER, DARTEZ, DOERGE, DORSEY, DURAND, GRAY, HUTTER, JEFFERSON, KATZ, MARCHAND, JANE SMITH, ST. GERMAIN, AND WALKER AND SENATORS BAJIOIE, CHEEK, DUPLESSIS, IRONS, JACKSON, AND MOUNT

A CONCURRENT RESOLUTION

To commend Sue Donohoe, a native of Pineville and vice president for Division I Women's Basketball at the National Collegiate Athletic Association (NCAA) national office.

HOUSE CONCURRENT RESOLUTION NO. 200—

BY REPRESENTATIVES FRITH, ALARIO, BADON, BAUDOIN, BOWLER, BROOME, BURRELL, K. CARTER, CAZAYOUX, CROWE, CURTIS, DAMICO, DANIEL, DORSEY, DOWNS, DURAND, FANNIN, FUTRELL, GRAY, E. GUILLORY, HUTTER, JEFFERSON, KATZ, KENNEY, LAFLEUR, LANCASTER, MCDONALD, MURRAY, PIERRE, PINAC, QUEZAIRE, SALTER, SCHNEIDER, SMILEY, JOHN SMITH, ST. GERMAIN, STRAIN, THOMPSON, TOOMY, TRAHAN, TRICHE, WALKER, WALSWORTH, AND WRIGHT

A CONCURRENT RESOLUTION

To recognize Wednesday, May 19, 2004, as Tourism Awareness Day.

HOUSE CONCURRENT RESOLUTION NO. 188—

BY REPRESENTATIVE BAUDOIN

A CONCURRENT RESOLUTION

To urge and request that members of the legislature set an example on the importance of recycling by recycling the enormous amount of paper received by the members during a legislative day.

HOUSE CONCURRENT RESOLUTION NO. 191—

BY REPRESENTATIVES FLAVIN, FUTRELL, GEYMAN, E. GUILLORY, JOHNS, MORRISH, ALARIO, ALEXANDER, ANSARDI, ARNOLD, BADON, BALDONE, BAUDOIN, BAYLOR, BEARD, BOWLER, BROOME, BRUCE, BRUNEAU, BURNS, BURRELL, K. CARTER, R. CARTER, CAZAYOUX, CRANE, CROWE, CURTIS, DAMICO, DANIEL, DARTEZ, DEWITT, DOERGE, DORSEY, DOVE, DOWNS, DURAND, ERDEY, FANNIN, FARRAR, FAUCHEUX, FRITH, GALLOT, GLOVER, GRAY, M. GUILLORY, HAMMETT, HEATON, HEBERT, HILL, HONEY, HOPKINS, HUNTER, HUTTER, JACKSON, JEFFERSON, KATZ, KENNARD, KENNEY, LABRUZZO, LAFLEUR, LAMBERT, LANCASTER, MARCHAND, MARTINY, MCDONALD, MCVEA, MONTGOMERY, MORRELL, MURRAY, ODINET, PIERRE, PINAC, PITRE, M. POWELL, T. POWELL, QUEZAIRE, RICHMOND, RITCHIE, ROBIDEAUX, ROMERO, SALTER, SCALISE, SCHNEIDER, SHEPHERD, SMILEY, GARY SMITH, JACK SMITH, JANE SMITH, JOHN SMITH, ST. GERMAIN, STRAIN, THOMPSON, TOOMY, TOWNSEND, TRAHAN, TRICHE, TUCKER, WADDELL, WALKER, WALSWORTH, WHITE, WINSTON, WOOTON, AND WRIGHT AND SENATORS CAIN, MOUNT, THEUNISSEN, ADLEY, AMEDEE, BAJIOIE, BARHAM, BOASSO, BOISSIERE, CHAISSON, CHEEK, CRAVINS, DARDENNE, DUPLESSIS, DUPRE, ELLINGTON, FIELDS, FONTENOT, B. GAUTREAUX, N. GAUTREAUX, HAINKEL, HEITMEIER, HINES, HOLDEN, HOLLIS, IRONS, JACKSON, JONES, KOSTELKA, LENTINI, MALONE, MARIONNEAUX, MCPHERSON, MICHOT, NEVERS, ROMERO, SCHEDLER, SMITH, AND ULLO

A CONCURRENT RESOLUTION

To commend the Louisiana National Guard's 256th Infantry Battalion of Lake Charles upon activation in support of Operation Iraqi Freedom and to extend support and prayers for a safe return home.

HOUSE CONCURRENT RESOLUTION NO. 192—

BY REPRESENTATIVES BROOME, BEARD, CRANE, DANIEL, DORSEY, FUTRELL, HONEY, JACKSON, KENNARD, AND WHITE

A CONCURRENT RESOLUTION

To recognize Thursday, June 10, 2004, as Lady Tigers Day at the Louisiana State Capitol in honor of the remarkable achievements of the Louisiana State University Lady Tigers basketball team.

and asked that the President of the Senate affix his signature to the same.

Respectfully submitted,

ALFRED W. SPEER

Clerk of the House of Representatives

The House Concurrent Resolutions contained herein were signed by the President of the Senate.

Message from the House

**SIGNED HOUSE BILLS AND
JOINT RESOLUTIONS**

May 20, 2004

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the Speaker of the House of Representatives has signed the following House Bills and Joint Resolutions:

HOUSE BILL NO. 107—

BY REPRESENTATIVE HUTTER

AN ACT

To amend and reenact R.S. 34:1(B)(3), relative to the Port of New Orleans; to provide relative to nominations for membership on the board of commissioners of the Port of New Orleans; and to provide for related matters.

HOUSE BILL NO. 139—

BY REPRESENTATIVES HUTTER, BEARD, DANIEL, DOVE, DOWNS, ERDEY, FANNIN, M. GUILLORY, LAMBERT, PITRE, M. POWELL, SMILEY, TUCKER, ALARIO, ALEXANDER, ARNOLD, BALDONE, BAUDOIN, BROOME, BRUCE, CAZAYOUX, CROWE, DAMICO, DARTEZ, DEWITT, DOERGE, DORSEY, DURAND, FARRAR, FAUCHEUX, FRITH, FUTRELL, E. GUILLORY, HAMMETT, HEATON, HEBERT, HILL, HUNTER, JACKSON, JOHNS, KATZ, KENNARD, KENNEY, LAFLEUR, MARCHAND, MCDONALD, MONTGOMERY, MORRELL, MURRAY, ODINET, PIERRE, PINAC, T. POWELL, QUEZAIRE, RITCHIE, ROMERO, SALTER, SCALISE, SCHNEIDER, SHEPHERD, GARY SMITH, JACK SMITH, JOHN SMITH, STRAIN, THOMPSON, TOWNSEND, WALKER, WALSWORTH, WINSTON, WOOTON, AND WRIGHT AND SENATORS AMEDEE, DUPRE, HAINKEL, HINES, AND ULLO

AN ACT

To amend and reenact R.S. 47:463.4(D) and 463.11(E), relative to motor vehicle special license plates; to require the Department of Public Safety and Corrections to issue mobility impaired hang tags to persons with or receiving disabled veterans special license plates; to provide relative to fees, renewals, and replacements for such hang tags; and to provide for related matters.

HOUSE BILL NO. 154—

BY REPRESENTATIVE MARTINY AND SENATORS HAINKEL AND SCHEDLER

AN ACT

To enact R.S. 14:112.2 and 112.3, relative to the fraudulent portrayal of a law enforcement officer or firefighter; to create the crime of fraudulent portrayal of a law enforcement officer or firefighter; to create the crime of aiding and abetting fraudulent portrayal of a law enforcement officer or firefighter; to provide for penalties; to provide for definitions; and to provide for related matters.

HOUSE BILL NO. 203—

BY REPRESENTATIVE FRITH

AN ACT

To authorize and provide for the transfer of certain state property in Vermilion Parish to the Vermilion Parish Police Jury; and to provide for related matters.

HOUSE BILL NO. 277—

BY REPRESENTATIVE ALARIO

AN ACT

To amend and reenact R.S. 39:100.1(C), relative to the Sports Facility Assistance Fund; to provide for the use of monies in the fund; to provide for monies in the fund to be appropriated to the FORE Kids Foundation, Inc.; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 312—

BY REPRESENTATIVE PINAC

AN ACT

To enact R.S. 9:3530(C)(4), relative to the Louisiana Consumer Credit Law; to provide for an alternative documentation fee that a lender may charge in connection with certain non-real estate consumer loans; and to provide for related matters.

HOUSE BILL NO. 390 (Duplicate of Senate Bill No. 410)—

BY REPRESENTATIVE MURRAY AND SENATOR BAJOE AND COAUTHORED BY REPRESENTATIVE RICHMOND

AN ACT

To amend and reenact R.S. 19:132, 132.1(A), and 132.8 and to rename Part III-C of Title 19 of the Louisiana Revised Statutes of 1950, relative to expropriations by the city of New Orleans; to provide for the expropriation of property needed for a street, drainage, water, utility, sewerage, or other capital project prior to judgment in the trial court fixing the amount of compensation due to the owner of the property; to provide for the application of existing expropriation laws; to provide for an effective date; to rename Part III-C of Title 19 of the Louisiana Revised Statutes of 1950; and to provide for related matters.

HOUSE BILL NO. 393—

BY REPRESENTATIVES ANSARDI, BOWLER, DAMICO, LABRUZZO, LANCASTER, MARTINY, SCALISE, TOOMY, AND TUCKER AND SENATORS BOISSIERE, HAINKEL, HOLLIS, LENTINI, AND ULLO

AN ACT

To amend and reenact R.S. 34:1(B)(2), relative to the Port of New Orleans; to provide relative to nominations for membership on the port's board of commissioners; and to provide for related matters.

HOUSE BILL NO. 466—

BY REPRESENTATIVE ALARIO

AN ACT

To amend and reenact R.S. 49:327(B)(1)(d), relative to the investment of state funds; to provide for competitive bidding for time certificate of deposit and share accounts; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 467—

BY REPRESENTATIVES ALARIO AND HEATON

AN ACT

To amend and reenact R.S. 39:1366(4), relative to the duties of the state treasurer; to authorize the state treasurer to make certain payments; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 530—

BY REPRESENTATIVES LANCASTER, BROOME, HAMMETT, AND SALTER AND SENATORS DARDENNE, DUPRE, JONES, AND MARIONNEAUX

AN ACT

To amend and reenact R.S. 18:1505.2(A), relative to the Campaign Finance Disclosure Act; to provide for penalties for violations of provisions of the Campaign Finance Disclosure Act that prohibit contributions in the name of another; and to provide for related matters.

HOUSE BILL NO. 596—

BY REPRESENTATIVE JACK SMITH AND SENATOR B. GAUTREAUX

AN ACT

To amend and reenact R.S. 56:305.3 and to enact R.S. 56:302.3(E), relative to recreational and commercial fishing gear licenses; to provide relative to temporary transfer of such licenses; and to provide for related matters.

HOUSE BILL NO. 597—

BY REPRESENTATIVES JACK SMITH AND FRITH AND SENATOR B. GAUTREAUX

AN ACT

To amend and reenact R.S. 56:303.5 and 325.3(A)(1), relative to commercial fishing; to provide that all finfish found on board a vessel operated by a person with a commercial fishing license are presumed to have been caught for commercial purposes; to provide relative to possession of spotted sea trout; and to provide for related matters.

HOUSE BILL NO. 600—

BY REPRESENTATIVES JACK SMITH AND PIERRE AND SENATORS B. GAUTREAUX AND MALONE

AN ACT

To enact R.S. 56:319.2, relative to exotic fish; to provide for the designation of fish as exotic; to provide for the taking of exotic fish; and to provide for related matters.

HOUSE BILL NO. 605—

BY REPRESENTATIVES FRITH AND PIERRE AND SENATOR B. GAUTREAUX

AN ACT

To repeal R.S. 56:306(B)(6), relative to wholesale/retail seafood dealers' licenses; to remove an exemption for restaurants from the requirement for the license; and to provide for related matters.

HOUSE BILL NO. 609—

BY REPRESENTATIVES JACK SMITH AND PIERRE AND
SENATORS B. GAUTREAUX AND MALONE
AN ACT

To amend and reenact R.S. 56:116(D) and 699.5(A), relative to youth hunting; to provide relative to the supervision of persons under the age of sixteen participating in hunting activities; and to provide for related matters.

HOUSE BILL NO. 637—

BY REPRESENTATIVE QUEZAIRE
AN ACT

To authorize and provide for the transfer of certain state property in Sabine Parish to the Department of Transportation and Development; and to provide for related matters.

HOUSE BILL NO. 657—

BY REPRESENTATIVE QUEZAIRE
AN ACT

To authorize and provide for the transfer of certain state property in Assumption Parish to the Assumption Parish Police Jury; and to provide for related matters.

HOUSE BILL NO. 663—

BY REPRESENTATIVE WINSTON
AN ACT

To amend and reenact R.S. 15:587(A)(2), relative to the Louisiana Bureau of Criminal Identification and Information; to require the bureau to make available to the Department of Social Services criminal history record information on certain persons; to provide the department the authority to receive criminal history record information; and to provide for related matters.

HOUSE BILL NO. 696 (Duplicate of Senate Bill No. 502)—

BY REPRESENTATIVE ALARIO AND SENATOR HEITMEIER AND
COAUTHORED BY REPRESENTATIVE SALTER AND SENATOR
HINES

AN ACT

To enact R.S. 39:71(D), relative to appropriations; to authorize "seeding" funds for state agencies as needed under specific circumstances; and to provide for related matters.

HOUSE BILL NO. 752—

BY REPRESENTATIVE MORRISH
AN ACT

To amend and reenact R.S. 22:1430.1(12), relative to the Louisiana Citizens Property Insurance Corporations; to provide for farmowners' multiperil insurance; and to provide for related matters.

HOUSE BILL NO. 811—

BY REPRESENTATIVE HAMMETT
AN ACT

To amend and reenact R.S. 32:1510(A)(3), relative to hazardous materials transportation; to exempt oil transporters from reporting certain incidents to the office of state police; and to provide for related matters.

HOUSE BILL NO. 1246—

BY REPRESENTATIVES LAFLEUR, CAZAYOUX, BALDONE, K.
CARTER, DOWNS, ERDEY, FAUCHEUX, FLAVIN, GALLOT,
HAMMETT, LANCASTER, PITRE, GARY SMITH, JACK SMITH,
STRAIN, THOMPSON, TOWNSEND, AND WALSWORTH AND
SENATORS DUPRE, JONES, AND MARIONNEAUX
AN ACT

To amend and reenact R.S. 42:1132(D), 1134(N), and 1157(A)(1) and (3) and to enact R.S. 24:55(G) and Part IV of Chapter 1 of Title 49 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 49:71 through 78, relative to the regulation of lobbying; to provide for the regulation of lobbying in state government; to provide for the reporting of certain expenditures by principals and employers of lobbyists; to provide for lobbying of the executive branch; to provide for definitions; to provide for registration, reporting, and disclosure; to provide for administration and enforcement; to provide for penalties; and to provide for related matters.

HOUSE BILL NO. 1341—

BY REPRESENTATIVE HAMMETT
AN ACT

To amend and reenact R.S. 47:1832(A), relative to the tax commission; to provide for the membership of such commission; and to provide for related matters.

HOUSE BILL NO. 1387—

BY REPRESENTATIVES JOHNS AND SCHNEIDER AND SENATOR
MOUNT

AN ACT

To amend and reenact R.S. 47:2101(A)(3), relative to the payment of ad valorem taxes; to provide that interest shall not be assessed if the payment was timely made; and to provide for related matters.

HOUSE BILL NO. 1397—

BY REPRESENTATIVE PINAC

AN ACT

To amend and reenact R.S. 51:1257(B) and 1286(C)(3) and to repeal R.S. 51:1260, 1261, and 1271 through 1276, relative to the office of tourism and the Louisiana Tourism Development Commission; to repeal the requirement for submittal of an annual report; to repeal the requirement of formulation of a master plan for tourism development; to repeal the Act 455 Matching Funds Program; and to provide for related matters.

and asked that the President of the Senate affix his signature to the same.

Respectfully submitted,

ALFRED W. SPEER

Clerk of the House of Representatives

The House Bills and Joint Resolutions contained herein were signed by the President of the Senate.

**Privilege Report of the Committee on
Senate and Governmental Affairs**

ENROLLMENTS

Senator Jones, Chairman on behalf of the Committee on Senate and Governmental Affairs, submitted the following report:

May 20, 2004

To the President and Members of the Senate:

I am directed by your Committee on Senate and Governmental Affairs to submit the following report:

The following Senate Concurrent Resolutions have been properly enrolled:

SENATE CONCURRENT RESOLUTION NO. 111—
BY SENATOR ELLINGTON

A CONCURRENT RESOLUTION

To urge and request the governor to support the Sea Point container transfer facility project.

SENATE CONCURRENT RESOLUTION NO. 115—
BY SENATOR CRAVINS

A CONCURRENT RESOLUTION

To honor the life of certified addictive disorders counselor Fredrick "Fred" Hebert of Lafayette by designating a meetingroom at the Louisiana Department of Health and Hospital's Office of Addictive Disorders Clinic in Lafayette, Louisiana, in his honor.

Respectfully submitted,
CHARLES D. JONES
Chairman

The foregoing Senate Concurrent Resolutions were signed by the President of the Senate.

**Privilege Report of the Committee on
Senate and Governmental Affairs**

ENROLLMENTS

Senator Jones, Chairman on behalf of the Committee on Senate and Governmental Affairs, submitted the following report:

May 20, 2004

To the President and Members of the Senate:

I am directed by your Committee on Senate and Governmental Affairs to submit the following report:

The following Senate Bills have been properly enrolled:

SENATE BILL NO. 841 (Duplicate of House Bill No. 1517)—
BY SENATOR ELLINGTON AND REPRESENTATIVE QUEZAIRE
AND COAUTHORED BY SENATOR MARIONNEAUX
AN ACT

To amend and reenact R.S. 48:250.2(A), (C), and (D), to enact R.S. 48:250.3, and to repeal R.S. 48:250.2(B), relative to contracts let by the Department of Transportation and Development; to provide relative to design-build contracts; to remove certain limitations of the design-build program; to authorize the department to construct a certain project included in the Transportation Infrastructure Model for Economic Development program using the design-build method; to provide relative to procedures regarding the design-build method; and to provide for related matters.

SENATE BILL NO. 112—
BY SENATOR HOLLIS

AN ACT

To amend and reenact R.S. 13:3881(D)(3), relative to judicial procedure; to provide for certain exemptions from seizure by creditors; and to provide for related matters.

SENATE BILL NO. 200—
BY SENATOR BARHAM AND REPRESENTATIVE WALSWORTH

AN ACT

To amend and reenact R.S. 40:1662.3(26) and (27) and 1662.8(B)(2)(g) and (h), relative to public health and safety; to provide for a license exemption for certain locksmiths; and to provide for related matters.

SENATE BILL NO. 268—
BY SENATOR ULLO

AN ACT

To amend and reenact R.S. 8:465(A)(1)(a) and (3), and to repeal R.S. 8:465(A)(4)(g), relative to trust funds; to include additional persons in the prohibition against being the recipient of loans or investments from any perpetual trust; to prohibit any remuneration to certain persons in connection with the loan or investment of any trust account; and to provide for related matters.

SENATE BILL NO. 281—
BY SENATOR ULLO

AN ACT

To amend and reenact R.S. 8:459.1(B), 502(E), 509 and 510(B)(2), relative to perpetual care trust funds; to provide for the manner in which a trustee administers trusts and require such trust funds to be placed with certain federally insured financial institutions; and to provide for related matters.

SENATE BILL NO. 466—
BY SENATOR FONTENOT

AN ACT

To amend and reenact R.S. 40:1376(F), relative to employees of the Department of Environmental Quality who are commissioned by the office of state police; to prohibit the duplication of badges; and to provide for related matters.

SENATE BILL NO. 609 (Duplicate of House Bill No. 884)—
BY SENATOR BAJOE AND REPRESENTATIVE WINSTON AND
COAUTHORED BY SENATOR HOLDEN
AN ACT

To amend and reenact Ch.C. Art. 610(B)(8) and (D) and to enact Ch.C. Art. 610(B)(9), relative to child abuse reporting; to require that additional information be included in child abuse reports; to require the Department of Social Services to provide an optional written form for mandatory reporting; to provide for an effective date; and to provide for related matters.

SENATE BILL NO. 638 (Duplicate of House Bill No. 900)—
BY SENATOR BAJOE AND REPRESENTATIVE WINSTON AND
COAUTHORED BY SENATOR HOLDEN
AN ACT

To amend and reenact Children's Code Art. 610(A) and (E), relative to child abuse mandatory reporting procedure; to permit reporting to both the local child protection unit and the local or state law enforcement agency; to provide relative to cases which are reported in error; to require that such cases be reported to the appropriate agency; and to provide for related matters.

SENATE BILL NO. 706—
BY SENATOR HOLLIS

AN ACT

To amend and reenact R.S. 9:3573.4(A) and (B) and to repeal R.S. 9:3573.2(B)(1) and 3573.14(B), relative to the Credit Repair Services Organization Act; to remove exemptions for certain corporations and associations; to provide for bonding; and to provide for related matters.

Respectfully submitted,
CHARLES D. JONES
Chairman

The foregoing Senate Bills were signed by the President of the Senate.

Adjournment

Senator Bajoie moved that the Senate adjourn until Monday, May 24, 2004, at 5:00 o'clock P.M.

The President of the Senate declared the Senate adjourned until 5:00 o'clock P.M. on Monday, May 24, 2004.

GLENN A. KOEPP
Secretary of the Senate

GAYE F. HAMILTON
Journal Clerk

